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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

In the Matter of Union)
Electric Company d/b/a Ameren)
Missouri's 4th Filing to)
Implement Regulatory Changes) File No. EO-2023-0136
in Furtherance of Energy)
Efficiency as Allowed by)
MEEIA)

THURSDAY, JULY 25, 2024

9:00 a.m.

Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101

VOLUME 6

RON PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

KAYLA HAHN, Chair
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Reported By:
Shelley L. Bartels, RPR, CCR

Job No.: 169667

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1 Proceedings began at 9:03 a.m.:

2 JUDGE PRIDGIN: Good morning. We are on
3 the record. I believe we are right on schedule and
4 ready to proceed to opening statements on the
5 Throughput Disincentive issue. Anything from counsel
6 or from the bench before we proceed to those opening
7 statements?

8 MS. HERNANDEZ: Yes, your --

9 JUDGE PRIDGIN: I'm sorry.
10 Ms. Hernandez, I'm sorry.

11 MS. HERNANDEZ: Sorry. A few things we'd
12 like to bring up. I believe Tuesday afternoon when
13 Judge Dippell was here, we had brought up taking --
14 the Commission taking judicial notice of the 2023 IRP
15 filing which is EO-2024-0020. I just wanted to let
16 the Commission know that we're still working with
17 Ms. VanGerpen to identify the parts of that case that
18 we would like the Commission to take judicial notice
19 of.

20 But we'd also like the Commission to
21 take judicial notice of certain item in Case
22 No. EO-2018-0211 and particularly -- particularly the
23 fiscal year 202 -- or program year 2023 evaluation --
24 evaluation reports filed on June 10th, 2024 and the
25 program year 2023 EM&V audit of the Ameren Missouri

1 evaluation.

2 JUDGE PRIDGIN: All right.

3 Ms. Hernandez, thank you. I guess I'll ask if
4 counsel have any objections to that.

5 MS. JOHNSON: At this time Staff would
6 need to review that. We have not had time to review
7 that yet.

8 JUDGE PRIDGIN: Understood.

9 MS. VANGERPEN: Same from the OPC, Judge.

10 JUDGE PRIDGIN: Thank you.

11 MS. HERNANDEZ: And I do have one more
12 matter. And also Tuesday afternoon we brought up a
13 motion to strike the notice of corrected testimony of
14 Mark Kiesling. I don't know if Judge Dippell was
15 able to relay that to you. We were -- she had said
16 that she would relay that to you and that there may
17 be an order forthcoming on that issue, so I just
18 wanted to bring it up. We had discussed about the --
19 the notice of corrected testimony not being
20 necessarily corrected testimony, but a 180 switch,
21 you know, in position of the Staff.

22 And if, in the alternative, if the
23 Commission felt not to strike that testimony, we
24 would like to be allowed to respond to that testimony
25 since Ameren has the burden of proof in this case by

1 offering live testimony on the 11-step process during
2 the Program issues portion of the case.

3 JUDGE PRIDGIN: Yeah. And I'm vaguely
4 familiar with that. And, I mean, I guess I would see
5 what counsel prefers. And if we're going to take up
6 live testimony, exactly when we're going to fit that
7 in. And if you know now, that would be fine, but I
8 don't know what Counsel had preferred to get that
9 live testimony in.

10 MS. JOHNSON: Staff has no issue with the
11 live testimony.

12 MS. HERNANDEZ: I mean, I -- we would
13 prefer that it be stricken from the record because
14 again, I think the Company hasn't through testimony,
15 written testimony been allowed to respond to that.
16 But if -- again, if the Commission denies that, I
17 think the appropriate time would be on the last
18 issue, the Programs issue to fit that 11-step process
19 discussion in.

20 JUDGE PRIDGIN: All right. I'm going to
21 deny the motion to strike and we can take up the live
22 testimony tomorrow when we get to Programs. If
23 you'll let me, I guess give me some heads up as to
24 when you want -- if you want to do that at the end of
25 all the witnesses or some other time, so I can update

1 the commissioners to -- so they can be prepared for
2 that.

3 MS. HERNANDEZ: Okay. We can think on
4 that and let you know, Judge. Thank you.

5 JUDGE PRIDGIN: Very good. Thank you.
6 Anything further before opening statements? All
7 right. I believe Ameren Missouri is first up.
8 Ms. Hernandez, when you're ready.

9 MS. HERNANDEZ: Good morning. May it
10 please the Commission. Again, my name's Jennifer
11 Hernandez, and I'm representing Ameren Missouri.

12 So the issue we are starting with this
13 morning is the Throughput Disincentive Mechanism
14 issue. And I want to start the discussion by
15 pointing the Commission to the MEEIA statute, in
16 particular 393.1075.3, paragraph 2. And it provides,
17 It shall be the policy of the State to value
18 demand-side investments equal to traditional
19 investments in supply and delivery infrastructure and
20 allow recovery of all reasonable and prudent costs of
21 delivering cost-effective demand-side programs. And
22 in support of this policy, the Commission shall
23 ensure the Utility financial incentives are aligned
24 with helping customers use energy more efficiently
25 and in a manner that sustains or enhances utility

1 customers incentives to use energy more efficiently.

2 When Ameren Missouri incentivizes a
3 customer to install an energy-efficient measure and
4 thereby use less electricity as a result, it is
5 inherently encouraging the customer to buy less of
6 the Company's primary product. It is recognized in
7 the MEEIA statute that for it to be reasonable to
8 expect electric utilities to encourage such
9 activities and reduce their own sales and thereby
10 profitability, the Utility should be made whole for
11 the negative financial impacts of those self-induced
12 sale reductions. This aligns the utility's
13 incentives with the interest of its customers in
14 reducing their energy usage. And along with the
15 earnings opportunity turn energy efficiency into a
16 win-win proposition for utilities and their
17 customers.

18 Ameren Missouri's demand-side investment
19 mechanism has a throughput disincentive mechanism
20 that effectively looks at measured and verified
21 savings and recognizes each of those kilowatt hour as
22 a source of lost revenue and compensates Ameren
23 Missouri through the rider energy efficiency
24 investment charge or shortened for EEIC, for the
25 portion of that lost revenue that contributes to

1 fixed-cost recovery.

2 The throughput mechanism proposed in this
3 application is quite consistent with the methodology
4 used from 2016 forward. But now all of a sudden
5 after eight years Staff is suggesting that such
6 mechanism is illegal, although Staff signed onto
7 four stipulation and agreements that endorsed the
8 use of this mechanism. And that was EO-2018-0211,
9 the stipulation and agreement filed on
10 October 25th, 2018; the stipulation and agreement
11 filed July 10th, 2020; the stipulation and agreement
12 filed October 13th, 2021 and the stipulation and
13 agreement filed August 3rd, 2023. Also the
14 Commission issued its order in EO-2019-0132 Which is
15 the Evergy MEEIA 3 issued December 11th, 2019. If
16 the throughput disincentive was illegal after PISA
17 was enacted in the summer of 2019, then the
18 Commission would not have allowed Evergy a TD and
19 would have repealed that section of the rules.

20 Ameren Missouri is trying to do the right
21 thing for its customers in this application before
22 you. The Company's preferred plan is based on the
23 primary criterion of identifying the plan with the
24 lowest net present value of revenue requirement,
25 i.e., the most affordable plan for its customers.

1 The alternative plan that would meet customers' needs
2 without DSM is expected to cost customers
3 approximately 4.197 billion more than the Company's
4 preferred resource plan on a net present value of
5 revenue requirement basis.

6 And it's important to note that the
7 existence of the throughput disincentive arises as a
8 direct function of bill savings being realized by
9 Ameren Missouri's customers, bill savings that are
10 created by our programs. As a result the TD
11 throughput disincentive is a net zero cost to
12 customers. Bill savings to customers on one side and
13 recovery of just a portion of those savings on the
14 other side. This means that customers are seeing net
15 savings on their utility bills as a result of MEEIA
16 due to avoided costs and investments despite still
17 paying a throughput incentive. If there were no
18 programs and no savings, customers would still be
19 paying for these fixed costs.

20 Staff and OPC have painted only half the
21 picture for you and you need the full picture to make
22 your decision. Staff and OPC have stated their
23 concerns over the last couple of days largely as a
24 result of friendly cross regarding EM&V and the TRM.
25 Both EM&V and the TRM interact with a throughput

1 disincentive, and issue 6B today recognizes this
2 interaction. So I would encourage you to ask
3 Mr. Wills questions about how the proposed TD was
4 calculated as well as encourage you to ask Mr. Graser
5 about EM&V, the TRM, and how they interact with --
6 with the throughput disincentive.

7 Thank you. If you have any questions.

8 JUDGE PRIDGIN: Ms. Hernandez, thank you.
9 Any bench questions? Hearing no bench questions.
10 Ms. Hernandez, thank you.

11 MS. HERNANDEZ: Thank you.

12 JUDGE PRIDGIN: Staff. Ms. Johnson, when
13 you're ready. Chair Hahn, you had a question, I'm
14 sorry.

15 CHAIR HAHN: Yes, sorry, for Ameren
16 counsel.

17 QUESTIONS

18 BY CHAIR HAHN:

19 Q. Can you repeat the end of your opening
20 again. Ask Mr. Wills what?

21 **A. Yes, Chair. I asked you to -- encourage**
22 **you to ask him questions about how the proposed TD**
23 **was calculated. And Mr. Graser about EM&V, the TRM,**
24 **and how they interact with the TD. Thank you.**

25 CHAIR HAHN: Thank you.

1 JUDGE PRIDGIN: Ms. Johnson, when you're
2 ready.

3 MS. JOHNSON: Thank you, Judge. Good
4 morning, Chair Hahn, Judge Pridgin, Commissioners.
5 May it please the Commission. For the record and for
6 those who are dialed in, this is Tracy Johnson from
7 Staff counsel's office.

8 We're on issue number six as
9 Ms. Hernandez said, so second to last. Throughput
10 Disincentive Mechanism. Staff has proposed a new
11 throughput disincentive mechanism. It's easier to
12 use. It's based in the reality of actual net
13 variable revenue which is why Ms. Lange named it the
14 net variable revenue mechanism. It's supported by
15 the Office of Public Counsel.

16 Now, before we go further, we need to
17 address Staff's initial position on this issue.
18 Since Ameren opted in to plant in-service accounting
19 during the Cycle 3 extensions, both the current
20 mechanism and Ms. Lange's suggested mechanism would
21 be disallowed under PISA language. The Company's
22 adoption of PISA makes the NTD unlawful regardless of
23 how it's calculated. And the optimal time frame
24 isn't when PISA was enacted; it's whenever Ameren
25 opted in, which was during the Cycle 3 extensions.

1 If the Commission disagrees with this
2 interpretation of PISA, the net variable revenue
3 mechanism created by Staff and supported by OPC is
4 the way to go. Ms. Lange and Staff designed this
5 mechanism to address vast the number of customer on
6 time-based rates to account for the Inflation
7 Reduction Act and to take full advantage of the
8 near-complete AMI deployment by Ameren. To allow the
9 current throughput disincentive to limp along would
10 require dozens of margin rate calculations, hundreds
11 of Technical Resource Manual load shape calculations,
12 major assumptions about the level of avoided energy
13 sales that may occur and continued reliance on EM&V
14 where the EM&V is not even designed to find the
15 answers needed for the throughput disincentive
16 calculations.

17 But now we can rely on reported monthly
18 billing from AMI meters which reduces errors and the
19 need for future revision. The new mechanism actually
20 reduces risk for Ameren because any over or under Use
21 of energy caused by outside rouge or unpredicted
22 events will know create a different outcome than
23 anticipated because we won't need to anticipate or
24 assume anything. The Company will receive the actual
25 net variable revenue.

1 Here's how easy it is. The EEIC tariff
2 sets out rate case net variable revenue for
3 residential and small general service classes by
4 month. Ameren would prepare a report of its actual
5 billings and calculate the actual net variable
6 revenue for that month for each of those two classes.
7 Then at the time of the EEIC rate change, Ameren
8 would provide work papers showing the difference
9 between the rate case net variable revenue and the
10 actual net variable revenue for all completed billing
11 months available. The difference between the two
12 goes into the new EEIC rate.

13 If the goal is for the Company to be made
14 whole as Ms. Hernandez referenced in her opening,
15 then using the real-time actual values on a monthly
16 basis as allowed by AMIs will make them whole. But
17 that's not what the Company's arguing for. They want
18 what they've been getting which is more. The Company
19 wants the complex throughput disincentive mechanism
20 they've had since 2016. They want that because it
21 allows for an inflated recovery. Even further
22 inflated by the inflated Technical Resource Manual
23 the current mechanism relies on for hundreds of
24 calculations.

25 Dr. Hari Poudel is taking the stand to

1 testify on the importance of a reliable Technical
2 Resource Manual and EM&V. The current net throughput
3 disincentive uses monthly savings from the TRM which
4 is unreliable. Ameren's own witness, Mr. Wills,
5 states in his rebuttal testimony on page 44, starting
6 at line 5 that the mechanism has been consistent for
7 Ameren since 2016. Ms. Hernandez mentioned that in
8 her opening as well. And on page 47 of the same
9 testimony starting at line 8 he very carefully does
10 not say that the new mechanism doesn't make Ameren
11 whole. He just says that it's less than what they've
12 been getting, a decreased financial incentive.

13 This is one instance and maybe the only
14 one in this case where all these details are not
15 needed. There is a simpler way, one without
16 assumptions and one that allows us to realize some of
17 the AMI benefits. Please ask Ms. Lange about the
18 mechanism. Ask her why her previous support of the
19 current mechanism expired with Ameren's adoption of
20 PISA. Ask her what she has learned and how the
21 process of evaluating MEEIA applications has evolved
22 to better meet the intent of throughput disincentive.

23 Thank you all. I'll take any questions.

24 JUDGE PRIDGIN: Thank you, Ms. Johnson.

25 Any bench questions? All right. Hearing none.

1 Thank you very much. Opening from Renew Missouri?

2 MR. LINHARES: Thank you, Judge. I have
3 no opening on this issue.

4 JUDGE PRIDGIN: All right. Thank you.
5 Any opening from NRDC? Hearing none any opening --

6 MR. MORRISON: No opening from NRDC.

7 JUDGE PRIDGIN: Thank you. Thank you
8 very much. Opening from the Office of the Public
9 Counsel?

10 MS. VANGERPEN: Just a brief statement,
11 Judge, so if it's okay, I'll just do it from here.

12 Again, the OPC is asking the Commission
13 to reject Ameren's amended application in its
14 entirety. We have not taken a position on the PISA
15 issue, but if the Commission allows Ameren to
16 implement MEEIA programs with a throughput
17 disincentive mechanism, then we would support Staff's
18 suggested net variable revenue mechanism as
19 Ms. Johnson mentioned. Thank you.

20 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
21 Any bench questions for Public Counsel? All right.
22 Hearing none, I think we're ready to go on to the
23 first witness. I believe it's Mr. Wills. Is that
24 correct?

25 MS. HERNANDEZ: Correct.

1 JUDGE PRIDGIN: And Mr. Wills you are
2 still under oath.

3 (Witness previously sworn.)

4 STEVEN WILLS

5 the witness, having been first duly sworn,
6 testified as follows:

7 JUDGE PRIDGIN: Anything from Ameren
8 Missouri before Mr. Wills stands cross-examination?

9 MS. HERNANDEZ: Nothing further. And we
10 tender him for cross.

11 JUDGE PRIDGIN: Ms. Hernandez, thank you.
12 Cross-examination from Renew Missouri?

13 MR. LINHARES: None, thank you, Judge.

14 JUDGE PRIDGIN: Thank you. Any cross
15 from NRDC?

16 MR. MORRISON: None, thank you.

17 JUDGE PRIDGIN: Thank you. Staff?

18 MS. JOHNSON: Nothing for Staff.

19 JUDGE PRIDGIN: Public Counsel?

20 MS. VANGERPEN: Nothing from OPC.

21 JUDGE PRIDGIN: Thank you. Any bench
22 questions? Chair Hahn.

23 QUESTIONS

24 BY CHAIR HAHN:

25 Q. Good morning, Mr. Wills.

1 A. Good morning.

2 Q. I plan to follow directions this morning
3 and do as your counsel instructed. So with that, I
4 am going to ask you, talk to me about how the
5 proposed throughput disincentive was calculated.

6 A. Sure. You know, I think it's -- it's
7 real -- this is a really important question, right,
8 because as Ms. Hernandez said in our opening, you
9 know, the law's directive is to align the utilities
10 incentives with helping customers use energy more
11 efficiently. And so the way our -- we calculate the
12 throughput disincentive is to exactly do that, right.
13 We look at what were the impacts of these programs on
14 our financial results and make ourselves -- you know,
15 and make the Company whole for those impacts.

16 Now, apparently I was careful to not say
17 in testimony one thing, but I'll say it very clearly
18 right now. Staff's mechanism does not make the
19 Company whole. I was not careful to not say it; I
20 just hadn't heard that raised. I'll say it now.
21 Staff's mechanism doesn't make the Company whole
22 because what it doesn't do is restore the -- the
23 financial impact of all of the savings that we've
24 induced through -- through this mechanism.

25 So how we do that is pretty simple. I

1 mean, I -- Staff will say it's detailed, and it is
2 detailed because there's a lot of data. On a lot of
3 other topics Staff is asking you to dig into the
4 detail of a lot of data. It can be done and we do do
5 it and we do it accurately.

6 So what we do is the evaluation,
7 measurement, and verification process is important
8 because it establishes how much savings that our
9 programs created and it does consider the
10 net-to-gross factor so that we don't get credit for
11 things that are not attributed to the actions of our
12 programs, right. We take -- you know, net to gross
13 is applied so that those savings that might have
14 naturally occurred are moved out and we don't recover
15 any throughput disincentive on that.

16 But the things that our programs is
17 credited, that we, you know, took actions to reduce
18 our sales and were successful in doing so, we have
19 those kilowatt hours. There's -- there's then a
20 calculation of the rates that those -- you know, you
21 look at if a residential customer had kilowatt hour
22 savings, what rate would they have paid us, how much
23 of that rate contributes to our fixed cost recovery.
24 Because if we have variable cost reductions, we don't
25 want to double recover those, right, because if those

1 cost reductions go away, those get excluded. And we
2 just look at you saved one kilowatt hour. You would
3 have paid us, you know, eight cents towards --
4 towards fixed costs for that kilowatt hour. We need
5 to recover eight cents.

6 And the really important thing to think
7 about here is because you've heard people talk about
8 the overall cost of our MEEIA programs and calling
9 it \$600 million or something like that. First of
10 all, I don't agree with that number, but second of
11 all, every dollar of throughput disincentive starts
12 as bill savings for our customers. So our bill --
13 our customers' bills are going down before we then
14 recover the fixed cost portion of that. If we don't
15 do MEEIA, the cost of that throughput disincentive
16 isn't avoided by our customers. They still pay the
17 fixed cost through base rates.

18 So if you're looking at the incremental
19 impact of our plan on customers, the throughput --
20 now, I -- it's very true that the throughput
21 disincentive causes maybe one customer versus another
22 customer to bear a different portion of the fixed
23 cost, but that's absolutely inherent in ratemaking.
24 That's going to happen. You know, if there's
25 programs through the IRA and one customer puts in an

1 efficient air conditioner and they reduce their bill,
2 when you get to the next rate case, other customers'
3 bills are going to go up to cover those fixed cost
4 portions.

5 So, yeah, there is -- there are, you know,
6 different -- you know, there are different impacts on
7 different customers, but on net for our customer base
8 there's zero dollars of incremental cost because of
9 the throughput disincentive. They would pay those --
10 those fixed costs under our base rates with -- with
11 the higher usage where they didn't have the savings
12 associated with our program, or they would pay those
13 costs through the throughput disincentive.

14 Again, you know, people will say that
15 there's no throughput disincentive with
16 naturally-occurring energy efficiency or with IRA
17 programs or all these other things. The phenomenon
18 of that exists. Now, granted we don't recover the
19 regulatory lag on it, and I think that's fair that we
20 don't recover the regulatory lag on those other
21 programs. But the costs are shifted from
22 participants to nonparticipants in the next rate case
23 exactly the same, whether it's our program or whether
24 it's the IRA. Those cost shifts are an inherent part
25 of ratemaking.

1 I will -- I'd bet a lot of money that
2 nobody's going to come in and complain that the IRA,
3 you know, shifted costs between customers in a rate
4 case. It's -- it's just the same phenomenon. Those
5 customers that actually create savings get more of
6 the benefit because they took action and they managed
7 their bill, they managed their usage and they
8 produced the benefits of MEEIA. But the overall
9 customer base pays exactly the same. It's just
10 recovering dollars that -- that otherwise would have
11 been covered without the programs under base rates.

12 I'll -- I'll stop there for now, but if
13 you have more questions about the details of it, you
14 know, I welcome --

15 Q. You hit on something that it is really --
16 has been on my mind. I know it's been on other
17 commissioners' mind too throughout the hearing and
18 maybe we're just at the point where we just put it on
19 the table which is the overall cost of the program
20 and the amount of benefits that it delivers to
21 customers. And the chart that keeps coming up in my
22 mind in a discussion with my colleagues -- well, you
23 know, one on one -- is Geoff Marke's table of \$521
24 million of cost, \$200 million of benefits to
25 customers and basically the comment earlier in the

1 hearing of the math isn't mathing.

2 And, you know, I'm trying to reconcile the
3 program cost with the amount of benefits to customers
4 and I -- I'm having a really hard time doing that.

5 And I'm trying to figure out, you know, all of these
6 effects. And throughput disincentive is one of them.

7 **A. Right.**

8 **Q. So --**

9 **A. So, yeah. And I -- I don't have**
10 **Dr. Marke's testimony and that chart in front of me**
11 **and I don't, you know, have it committed to memory**
12 **exactly what's in there and out of there, but I'm**
13 **pretty sure as you -- as you indicated that it's**
14 **referencing the throughput disincentive. I would**
15 **tell you, as I -- as I just did that the throughput**
16 **disincentive is not a new cost of the program. It is**
17 **existing costs that customers pay. So I think that,**
18 **you know, just -- just out of hand out to be excluded**
19 **from -- from that table.**

20 **Q. Tell me Staff's contention -- tell me from**
21 **your perspective Staff's contention that PISA**
22 **affected -- tell me from your perspective why PISA**
23 **did or did not impact the throughput disincentive.**

24 **A. Sure. And it's a legal issue, so**
25 **ultimately -- and I'm not a lawyer. I have --**

1 Q. Okay.

2 A. -- I have a little perspective on it, but
3 our lawyers will ultimately argue that, but what I
4 would --

5 Q. I'm not going to ask you for a --

6 A. Yeah, yeah.

7 Q. -- legal conclusion, but if you can tell
8 me --

9 A. Yeah, yeah.

10 Q. -- just high level from your --

11 A. I just wanted to caveat it.

12 Q. Okay.

13 A. I'm happy to talk to you -- with you about
14 it; I just want to caveat I'm not a lawyer and the
15 lawyers --

16 Q. Yeah.

17 A. -- will weigh in, right.

18 But, so, you know, the MEEIA statute
19 existed, predated PISA, right. And it has a
20 directive to the Commission to use techniques to
21 align the incentives of customers to -- or sorry --
22 of utilities to encourage efficiency with their
23 customers, right. That is a statutory provision that
24 you've relied on for all of the history of MEEIA to
25 use the -- to calculate the throughput disincentive

1 and provide recovery of that.

2 The PISA statute passed in 2018 provides
3 an option for how to deal with certain changes in
4 revenues that a utility may elect. The utility is
5 not allowed to elect that option if they, you know,
6 if they elect PISA, but it does nothing to change the
7 authority under the original MEEIA statute for you to
8 provide a mechanism to align our incentives. It
9 didn't -- you know, the -- rejecting the option to
10 decouple that -- essentially decouple that's provided
11 in the MEEIA statute doesn't change the obligation
12 under the MEEIA statute to provide mechanisms to
13 align our incentives. And, you know, there's nothing
14 express or implicit in there that does take away the
15 authority out of the -- out of the MEEIA statute.

16 Q. Going to be high level at the moment, but
17 MEEIA was passed at a different point in time, you
18 know, than we are currently where utility -- and I'm
19 going off of -- this is not necessarily related to
20 throughput disincentive, but just questions that have
21 been percolating.

22 A. Sure.

23 Q. MEEIA was contemplated maybe when there
24 was flat to no load growth where Ameren had capacity,
25 excess capacity. That doesn't seem to be the picture

1 now. And so I'm trying to contemplate at what
2 basically is MEEIA as we've always done it to a
3 different -- a completely different picture. Help me
4 with that.

5 A. Yeah. Well, what I would think I would do
6 is I would respectfully challenge the
7 characterization of what was going on at the time
8 that MEEIA was passed. If you go back, you know, it
9 was passed I think maybe around 2009. Our
10 currently-effective IRP in 2008 included construction
11 of a second Callaway unit for billions of dollars.
12 Our IRP base load forecast without MEEIA was, I
13 think, about 1.3 percent annual growth at the time.
14 So there was the beginnings of some efficiency and
15 changes to the load growth environment. But it --
16 really the energy efficiency movements that, you
17 know, other states and Missouri undertook under MEEIA
18 helped usher that in really, that flatter load
19 growth.

20 I would -- I will analogize it pretty
21 similar that when we were back then looking at
22 building Callaway Two for billions of dollars and
23 MEEIA was looked at as a tool to -- to maybe be able
24 to avoid that, maybe be able to manage our capacity
25 position and not have to do as much new build,

1 exactly in the same way as it can be looked at as a
2 tool today. So, I mean, I think if you think about
3 the risks facing us from a capacity position
4 perspective, the risks are pretty one-side -- and
5 Mr. Michels mentioned this I think a couple days ago.

6 The risks are these, you know, large data
7 centers coming in with large load growth makes our
8 capacity position shorter. Environmental regulations
9 that might impact base load generation that would
10 cause a retirement make our generation position
11 shorter. I think it's as important as ever or more
12 important than ever to use those tools that we do
13 have in our tool kit to manage load where we can just
14 to offset -- you know, we've got a preferred resource
15 plan that already does include MEEIA as a resource to
16 serve load and new supply side because both are
17 needed.

18 But if those risks manifest, you know, not
19 having done MEEIA will just exacerbate the risk on
20 needing even more new generation, right. It does
21 manage our load and improve our capacity position in
22 I think very much in an analogous way to at the time
23 that the -- the MEEIA statute was passed.

24 Q. There are a lot of assumptions made in
25 there, but for now I'm just going to marinate on it.

1 Thank you, Mr. Wills.

2 A. Yeah. And I -- I appreciate that, but,
3 you know, to -- to do planning and have reliability
4 in the future, we can't do that without assumptions.
5 And we evaluate a wide range of potential future
6 assumptions, high and lows of different things. And,
7 I mean, you've got to wrestle with having assumptions
8 in order to have a plan.

9 Q. I agree. I agree you have to wrestle with
10 having assumptions. I -- the part that I'm having a
11 really hard time with is the assumptions that have,
12 you know -- the world is largely unknown in 15 years.
13 And so saying that there's a \$4 billion cost coming
14 down the pike if this, you know, the energy
15 efficiency side of this program is rejected, I really
16 have a hard time with because some of the assumptions
17 that were made in the past generally -- I mean, some
18 of them have and most of them -- a lot of them
19 haven't materialized.

20 A. So the number in the future will be
21 different, right, but what -- it -- you know, it
22 won't be -- you know, we project four billion.
23 You're right. That's a forecast based on
24 assumptions. Four billion is not exactly what will
25 play out and things -- you're right, things will

1 change. But the question is is MEEIA an insurance
2 policy against some of those -- some of the more
3 significant risks that could cause the high end of
4 those cost ranges. And I think it is an important
5 insurance policy to prevent some of the -- some of
6 the more extreme costs where you've got even more
7 build that has to happen.

8 So, you know, I would say, you know, of
9 course the \$4 billion is an assumption-based kind of
10 forecast or expectation. The risks to me scare me on
11 the upside if we don't do this.

12 Q. When we say it's an insurance policy, in
13 my view it is an insurance policy but at a cost. And
14 the cost to me is extreme when compared to the cost
15 of new generation which can be depreciated over the
16 life of the plant which is far longer than a MEEIA
17 cycle. So I'm trying to balance -- you know, I
18 like the -- clearly I like the idea of energy
19 efficiency, the demand response programs work, but in
20 my mind I'm having a hard time with the cost of the
21 energy efficiency programs.

22 A. And I appreciate that. Yeah, I appreciate
23 that, but I do think that's -- you know, I don't want
24 to, you know, kind of talk past, but I think that's
25 why even you have to just make some assumptions and

1 look at the -- the comparison of the costs, right.
2 The -- how much supply side we -- we do might change
3 but we've got a reference point of is supply side or
4 demand side cheaper. That \$4 billion is a good
5 representation of a comparison point between the two.
6 Now, we might need more generation. I kind of doubt
7 it, but we could need less generation. But the --
8 the inherent cost comparison occurs in that IRP and
9 we have lots of different, you know, world views and
10 scenarios where we stress test those and find that
11 it's cost effective.

12 CHAIR HAHN: Thank you, Mr. Wills.

13 JUDGE PRIDGIN: Chair Hahn, thank you.

14 Any further bench questions?

15 COMMISSIONER MITCHELL: Yes.

16 QUESTIONS

17 BY COMMISSIONER MITCHELL:

18 Q. This is Commissioner Mitchell speaking. I
19 just am curious from your perspective and your point
20 of view that -- the notion of the net variable
21 revenue mechanism. What are your specific concerns
22 about that?

23 A. Sure. Yeah. Thank you. Thanks for the
24 question, Commissioner Mitchell. I'll try to make it
25 as simple as I can. And I'll use just hypothetical

1 for -- for illustration. So if the cust -- if the
2 Company were going to experience say a half a percent
3 of load growth next year if we don't -- say we don't
4 do MEEIA programs and we would be expecting to
5 experience a half a percent of growth next year. Our
6 revenues that we would incur at that time would be
7 based off of the actual sales that include that one
8 half of percent of growth.

9 Now, say the net variable revenue
10 mechanism is put into place and we do MEEIA and we
11 wipe out that half a percent growth and have zero
12 growth in our revenues. We would have been paid for
13 a half a percent of growth under base rates under
14 traditional ratemaking, and the net variable revenue
15 mechanism would look back to the last rate case and
16 say, Oh, your revenues matched what we -- you know,
17 what you -- what your revenue requirement was a year
18 ago or two years ago or whatever the kind of
19 historical -- the historical test year view of your
20 revenues needed to be, so you're good. You don't --
21 you don't need recovery of that half a percent that
22 you could have had if you didn't do MEEIA.

23 And now what I'll tell you is it's
24 important, and, Commissioner Mitchell, I know you're
25 relatively new to the Commission, I don't know how

1 much you've gotten into ratemaking in the state. But
2 the fact that we're a historical ratemaking test-year
3 state is very important to that, right. Because, you
4 know, it might sound really intuitively appealing to
5 say, Oh, if your rate case said you needed this much
6 revenue, you get restored to that much revenue, you
7 ought to be okay with that. But the fact of the
8 matter is after that rate case concludes, if our
9 costs increase, we don't get to true those up and
10 recover, you know, costs that have increased since
11 that historical period. But one of the things that
12 offsets that harm to, you know, to us, that
13 regulatory lag that we experience, is that we also
14 get to keep the benefit of the -- of the load growth.

15 So it's really kind of a matching between
16 costs and revenues that if you're going to -- if
17 you're going to reconcile our revenues to match what
18 they were based off of, you know, our revenue
19 requirement analysis from one year ago or two years
20 ago, but the cost side of our equation is going to be
21 based on our costs today that have experienced
22 inflation and new investment, then we've got a real
23 disincentive to letting go of kind of the benefit of
24 that growth.

25 And I -- I tried to make that simple and I

1 probably got a little bit complex, so if you have any
2 follow ups, happy -- happy to take those, but.

3 COMMISSIONER MITCHELL: That's quite all
4 right. It helps me understand your concerns.

5 JUDGE PRIDGIN: All right. Thank you.

6 COMMISSIONER MITCHELL: Thank you.

7 JUDGE PRIDGIN: Thank you. I think I
8 have just a few questions, Mr. Wills. I'm sorry.
9 Any further bench questions?

10 COMMISSIONER COLEMAN: Yes. This is
11 Commissioner Coleman.

12 JUDGE PRIDGIN: Whenever -- when you're
13 ready, I'm sorry.

14 COMMISSIONER COLEMAN: No problem. Thank
15 you.

16 QUESTIONS

17 BY COMMISSIONER COLEMAN:

18 Q. So, Mr. Wills, this question is kind of
19 leaning toward something I inquired of Dr. Marke
20 yesterday so this is to give me better clarification
21 from your vantage point. So using your example, one
22 customer installing an air conditioner and another
23 customer paying more as a result, how does this
24 benefit all customers even though some aren't
25 participating?

1 A. Yeah. That's a great question,
2 Commissioner Coleman. And I think that's why it's
3 important to look at the -- the total resource cost
4 test which is, you know, both statutorily the
5 preferred totally resource -- the -- I'm sorry, the
6 preferred cost effectiveness test, but it's also the
7 most comprehensive. So if you think about the
8 different ways to evaluate the cost effectiveness
9 of -- of energy efficiency programs, there's
10 several -- and Dr. Marke got into this a little bit.
11 There's several different tests that look at several
12 different perspectives. But what you would label --
13 I -- what -- how you would label these essentially is
14 that the participant cost test looks at a
15 participant's perspective. The RIM test looks at a
16 RIM -- at a -- at a nonparticipant perspective. And
17 the total resource cost test looks at an
18 all-customers' perspective. So it is telling what is
19 the impact on all customers.

20 But the other -- you know, the other thing
21 that I think important -- so, you know, when you want
22 to look at what is the impact on all customers, you
23 look at the TRC. Those benefits are real in there.
24 The avoided energy and the avoided capacity benefits
25 reduce our revenue requirement over time, and they

1 cause our, you know, our rate increases to be, you
2 know, to be based off of a lower revenue requirement
3 than they otherwise would be. So the total
4 expenditures of all of those customers are going to
5 be less than they would without these programs.

6 I thought I had one more point, but I lost
7 it, so.

8 Q. So your answer then are you saying that
9 Ameren is selling less electricity as a result of the
10 MEEIA programs?

11 A. Oh, yes, absolutely.

12 Q. Okay. Just wanted clarification.

13 A. Oh, and I did -- the other -- the other
14 point I was going to make is, you know, probably an
15 even more important view than the TRC view is -- is
16 the IRP. I mean, the IRP is really where the rubber
17 meets the road in integrating this analysis in the
18 most robust and detailed way. And the IRP doesn't
19 produce TRCs and RIMs, it's -- per se. But what it
20 does is it says what will our customers' bills be
21 most affordable under. And it says they'll be most
22 affordable if we include energy efficiency as a part
23 of our portfolio to serve customers.

24 COMMISSIONER COLEMAN: Thank you. Thank
25 you, Judge.

1 JUDGE PRIDGIN: Commissioner, thank you.
2 Any further bench questions? I think I will have a
3 few.

4 QUESTIONS

5 BY JUDGE PRIDGIN:

6 Q. Mr. Wills, do you have your rebuttal
7 testimony handy?

8 **A. I do. Just let me find it.**

9 Q. Sure. And when you --

10 **A. Got it.**

11 Q. -- you get to page 51, will you let me
12 know please?

13 **A. Absolutely. Okay. I'm there.**

14 Q. I believe on that page, you state that
15 only 4,660 customers out of over a million Ameren
16 Missouri customers are taking service at the advanced
17 TOU rates. And I believe you also state that Ameren
18 Missouri included those several hundred thousand
19 customers taking service at the Evening/Morning
20 Savers rate in its net margin rate calculation and
21 that's with little or any impact on the throughput
22 disincentive mechanism. Is that correct?

23 **A. I think you characterized that section**
24 **correctly.**

25 Q. Are those -- are those customers all

1 residential customers?

2 A. Yes. This is all discussing the
3 residential, you know, class that has the new -- the
4 relatively new Time of Use rate options available.

5 Q. All right. Thank you. During Ameren's
6 pending rate case before the Commission, if TOU rates
7 were approved for general residential customer use
8 with greater TOU differentials, would the throughput
9 disincentive mechanism be able to be adjusted to
10 compensate for that TOU rate changes since those
11 rates would be effective during MEEIA Cycle 4?

12 A. So when you say -- so are you saying
13 different Time of Use rates?

14 Q. Yes.

15 A. I mean, because we have Time of Use rates.
16 So I think, yes. You can -- I mean, you can do the
17 calculations for the throughput disincentive with any
18 rate structure. You just have -- you just have to,
19 you know, reapply the right -- the right number. So,
20 in fact, you know, I think one of the important
21 things is, you know, I'm advocating for not making
22 wholesale changes to the throughput disincentive
23 mechanism.

24 But if, you know, if it were a concern,
25 you know, Staff has said you'd have to calculate a

1 bunch of end-use specific margin rates. That's
2 already done in my testimony and in work papers
3 supporting my testimony for our existing rates. And
4 we could do that if there was a new or different Time
5 of Use rate. So it's not an intractable problem to
6 do that because I've already done it.

7 JUDGE PRIDGIN: I believe those are all
8 the questions I have. Thank you, Mr. Wills. Any
9 further bench questions? Hearing none, any recross
10 based on bench questions from Renew Missouri?

11 MR. LINHARES: No, thank you.

12 JUDGE PRIDGIN: Questions from NRDC?

13 MR. MORRISON: None, thank you.

14 JUDGE PRIDGIN: Thank you. Any cross
15 from Staff?

16 MS. JOHNSON: Yes, please, Judge.

17 JUDGE PRIDGIN: When you're ready.

18 CROSS-EXAMINATION

19 BY MS. JOHNSON:

20 Q. Hello, Mr. Wills.

21 A. Hello.

22 Q. I just have a few things I'd like to walk
23 through to get some clarity here.

24 A. Sure.

25 Q. How many measures are subject to EM&V each

1 program year?

2 **A. I don't have a specific number that I'm --**
3 **I mean, you know, maybe -- maybe Mr. Graser might**
4 **know that. Or I don't know if that's a detail he'd**
5 **have off the top of his head.**

6 Q. Do you think you could quantify it by
7 saying less than half?

8 **A. Less than half of what?**

9 Q. The members are subject to EM&V each
10 program year. I mean, excuse me, the measures. How
11 many of the measures are subject to EM&V? Could you
12 quantify it as --

13 **A. I think --**

14 Q. -- less than half?

15 **A. Oh, I thought you were asking how many**
16 **measures we've got. I think all of our measures are**
17 **subject to EM&V, so, but I don't -- I don't think --**
18 **I thought you were asking me how many measures there**
19 **are, because, you know, all measures are subject to**
20 **EM&V.**

21 Q. Okay. We'll clarify with Mr. Graser.
22 Thank you. How do you keep track of which rate plan
23 a customer who installed a specific measure is on
24 today, and how do you keep track of that if they
25 installed a measure last year?

1 A. So let me -- you're -- are you asking
2 if -- can you -- I'm sorry, could you repeat your
3 question?

4 Q. Yeah, sure. I'm just wondering how you
5 keep track of which rate plan a customer is on,
6 specifically if that customer has installed one of
7 the measures in a program. And I'm wondering if you
8 keep track of that over time. So if a customer
9 changes between programs, are you tracking the rate
10 plan that they're on if they change between programs
11 or rate plans if they install measures, if they
12 don't?

13 A. I'm -- I'm not understanding what the
14 purpose of that -- of that tracking is for that
15 you're asking for, but I don't think that we have an
16 ongoing tracking of which measure is associated with
17 which rate plan. You know, I think what you're
18 getting at maybe is, you know, our proposal to
19 incorporate Time of Use rates if the Commission
20 wanted to in the throughput disin -- disincentive
21 mechanism relies on an assumption that customers
22 across the various different rate plans participate
23 in measures proportionate to the number of customers
24 on those rate plans.

25 Q. Thank you for the clarification.

1 **A. Sure.**

2 Q. This is kind of specific, so hopefully
3 I'll get it right.

4 **A. Okay.**

5 Q. What is the rate that a customer on a
6 highly-differentiated residential rate plan pays for
7 a kilowatt hour used at 5:00 p.m. on a summer weekday
8 afternoon?

9 **A. It depends on which rate plan, but they
10 could be around 30 cents a kilowatt hour.**

11 Q. Okay. And the same question, but for a
12 customer on the Anytime Savers program.

13 **A. I want to say it's 13, 14 cents, something
14 like that.**

15 Q. Subject to check, could you agree that
16 it's more than -- that it's about ten?

17 **A. That the Anytime User rate plan summer
18 kilowatt hour is ten cents? No, I wouldn't agree
19 with that.**

20 Q. Okay.

21 **A. I -- I mean, subject to check, I would
22 tell you that's not right.**

23 Q. Okay. So 30 cents, 5:00 p.m. summertime
24 weekday afternoon. You said 13 to 14 or 14 to 15?

25 **A. Thirteen to 14. It's -- I think it's in**

1 **between the two.**

2 Q. Okay. Does Ameren still have the opinion
3 that it cannot refund money to customers if EM&V
4 later shows that net throughput disincentive
5 overrecovered throughput due to, quote, normalization
6 violation tax issue? This is in reference to the
7 claw back of --

8 A. I -- that's a -- I think -- I mean, that's
9 an accounting issue. I don't think the accounting
10 guidance around that has changed to my knowledge.
11 I'm not account -- you know, accountant --

12 Q. Sure.

13 A. -- by trade, but my understanding is that
14 accounting guidance still exists.

15 Q. Okay. So if it hasn't changed, that means
16 that it is still Ameren's opinion that overrecovered
17 net throughput disincentive cannot be recovered
18 because of a normalization violation tax issue?

19 MS. HERNANDEZ: Objection; calls for a
20 legal conclusion.

21 MS. JOHNSON: I'm just clarifying with the
22 original guidance was.

23 JUDGE PRIDGIN: Yeah. I'll overrule. He
24 can answer if he knows. And if he not, he can say
25 so.

1 **THE WITNESS: I don't -- I don't know for**
2 **certain.**

3 BY MS. JOHNSON:

4 Q. Thank you. What net to gross does Ameren
5 propose for use in its net throughput disincentive
6 for each measure?

7 A. I would -- I would direct you to talk more
8 with Mr. Graser about that.

9 Q. Okay. Okay. I've got a couple questions
10 to clarify some conversations that you had with
11 commissioners. So Commissioner Mitchell, you had a
12 conversation with him and you made a statement that
13 if your costs increase, you don't get to be made
14 whole for those increases. But you do get PISA
15 treatment for many of those investments. Right?

16 A. Sure. There are -- there some categories
17 of costs where we get that, but I think it's --

18 Q. Okay. Thank you. You also had a
19 conversation with Commissioner Coleman, and you
20 talked about the IRP. So the IRP assumes a 6.1
21 percent more energy savings than your MEEIA
22 application. Right?

23 A. I think -- it's -- the number's in the
24 record. I don't -- I don't remember if it's 6.1, but
25 I'm sure that there's probably some number in the

1 **record on it.**

2 Q. And it's more than your MEEIA application?

3 **A. I'm not a hundred percent sure of that.**

4 **The record's in the -- the number's in the record.**

5 Q. Okay. And the IRP assumed a 4 percent
6 lower cost than your MEEIA application does. Right?

7 **A. Same answer.**

8 MS. JOHNSON: Thank you. Nothing further.

9 JUDGE PRIDGIN: Ms. Johnson, thank you.

10 Any cross from OPC?

11 MS. VANGERPEN: One moment, Judge. No
12 thank you, Judge.

13 JUDGE PRIDGIN: All right.

14 Ms. VanGerpen, thank you. Redirect?

15 MS. HERNANDEZ: Yes, thank you.

16 REDIRECT EXAMINATION

17 BY MS. HERNANDEZ:

18 Q. Earlier there was a Staff counsel question
19 about some categories of costs get PISA treatment.
20 And you were about to say something and you were cut
21 off. Can you continue what you wanted to say on that
22 issue?

23 **A. Yeah, absolutely. I think the PISA**
24 **statute speak -- speaks to this explicitly in that**
25 **PISA treatment is not available to -- for investments**

1 in serving new customer loads. And the inherent
2 logic that's got to be behind that provision in the
3 PISA law is that when you make an investment to serve
4 new a customer load, you have costs increasing and
5 you have revenues increasing. And so the PISA
6 statute relied on the utility using load growth to
7 cover the lag from growth projects.

8 So if you -- if you rely on PISA to say
9 that, oh, you're getting enough -- you're getting
10 enough of your costs through -- through PISA of the
11 increase in costs, you're actually gutting the
12 provision of PISA that allows you to retain load
13 growth in order to offset some of the other increase
14 in costs, that being the investment and serving new
15 customers.

16 You know, and beyond that, you know, PISA
17 only covers 85 percent of those increases. We still
18 have regulatory lag on 15 percent of our investments
19 that -- that can be -- help offset by -- by load
20 growth revenues. O&M -- you know, most categories of
21 O&M are completely untracked and untrued up, and
22 those can experience cost increases that can be
23 offset. So there's plenty of categories of costs,
24 and there's also specific -- you know, I think clear
25 specificity in the -- in the PISA statute itself that

1 presumes that a utility won't be decoupled when PISA
2 applies to it.

3 MS. HERNANDEZ: Nothing further. Thank
4 you.

5 JUDGE PRIDGIN: Ms. Hernandez, thank you.
6 Mr. Wills, thank you very much. You may step down.
7 I believe Mr. Lozano is the next witness. Is that
8 correct?

9 MS. MOORE: That is correct, your Honor.

10 JUDGE PRIDGIN: I see him approaching the
11 witness stand. Yeah. Mr. Lozano, you're still under
12 oath.

13 (Witness previously sworn.)

14 ANTONIO LOZANO

15 the witness, having been first duly sworn,
16 testified as follows:

17 JUDGE PRIDGIN: Anything from Ameren
18 Missouri counsel before he stands cross?

19 MS. MOORE: No, your Honor. Other than
20 to tender him for cross-examination.

21 JUDGE PRIDGIN: Ms. Moore, thank you.
22 Any cross from Renew Missouri?

23 MR. LINHARES: No, thank you.

24 JUDGE PRIDGIN: Thank you. Cross from
25 NRDC?

1 MR. MORRISON: None, thank you.

2 JUDGE PRIDGIN: Thank you. Any from
3 Staff?

4 MS. JOHNSON: No, thank you.

5 JUDGE PRIDGIN: Public Counsel?

6 MS. VANGERPEN: No, thank you.

7 JUDGE PRIDGIN: Thank you. Any bench
8 questions? All right. Hearing no bench questions.
9 All right. Mr. Lozano, thank you very much.

10 **THE WITNESS: Thank you.**

11 JUDGE PRIDGIN: Is Mr. Graser the next
12 witness? I hope I'm pronouncing that name correctly.

13 MS. MOORE: Yes, and yes, you are, your
14 Honor.

15 JUDGE PRIDGIN: All right. Thank you.
16 Mr. Graser, you're still under oath.

17 (Witness previously sworn.)

18 J. NEIL GRASER
19 the witness, having been first duly sworn,
20 testified as follows:

21 JUDGE PRIDGIN: Anything from Ameren
22 Missouri before he stands cross?

23 MS. MOORE: No. Just to tender him for
24 cross. Thank you, your Honor.

25 JUDGE PRIDGIN: Thank you. Any cross,

1 Renew Missouri?

2 MR. LINHARES: No, thank you.

3 JUDGE PRIDGIN: Thank you. NRDC?

4 MR. MORRISON: None, thank you.

5 JUDGE PRIDGIN: Thank you. Staff?

6 MS. JOHNSON: Nothing from us, thank you.

7 JUDGE PRIDGIN: Thank you. Public

8 Counsel?

9 MS. VANGERPEN: Nothing, thank you,
10 Judge.

11 JUDGE PRIDGIN: Thank you. Any bench
12 questions? All right. Hearing none, Mr. Graser,
13 thank you very much.

14 MS. MOORE: Your Honor, at this time I
15 would like to move for Ameren Exhibit 110 and 111.
16 It was previously identified yesterday. Exhibit 110
17 is the rebuttal testimony of J. Neil Graser, and 111
18 is the surrebuttal testimony of Mr. Graser.

19 JUDGE PRIDGIN: All right. Exhibits 110
20 and 111 have been offered. Any objections? Hearing
21 none, Exhibits 110 and 111 are admitted into
22 evidence.

23 (Company Exhibits 110 and 111 were
24 admitted and made a part of this record.)

25 MS. MOORE: And, your Honor, to clarify

1 for the record, 111 has both public and confidential
2 versions.

3 JUDGE PRIDGIN: Thank you. And I'll note
4 that as 111 and 111 -- I'm sorry, is that highly
5 confidential?

6 MS. MOORE: No, your Honor, just
7 confidential.

8 JUDGE PRIDGIN: 111 and 111C then. Thank
9 you.

10 (Company Exhibit 111C was admitted and
11 made a part of this record.)

12 JUDGE PRIDGIN: Thank you. All right. I
13 believe we are on to Dr. Poudel. Is that correct?

14 MR. PRINGLE: Yeah, Judge. Dr. Poudel
15 just stepped out, so I'm going to let him know.

16 JUDGE PRIDGIN: Thank you. And,
17 Dr. Poudel, good morning. You're still under oath.

18 DR. POUDEL: Morning.

19 (Witness previously sworn.)

20 DR. HARI POUDEL

21 the witness, having been first duly sworn,
22 testified as follows:

23 JUDGE PRIDGIN: Anything from Staff
24 before he stands cross?

25 MS. JOHNSON: We consider him tendered

1 for cross.

2 JUDGE PRIDGIN: Ms. Johnson, thank you.
3 Cross-examination from Public Counsel?

4 MS. VANGERPEN: No, thank you, Judge.

5 JUDGE PRIDGIN: Renew Missouri?

6 MR. LINHARES: No, thank you, Judge.

7 JUDGE PRIDGIN: NRDC?

8 MR. MORRISON: None, thank you.

9 JUDGE PRIDGIN: Thank you. Ameren
10 Missouri?

11 MS. HERNANDEZ: No questions, Judge,
12 thank you.

13 JUDGE PRIDGIN: Thank you. Any bench
14 questions? All right. Hearing none, thank you very
15 much.

16 MS. JOHNSON: At this time, your Honor,
17 we'd like to move that his testimony be admitted.
18 It's his last time taking the stand. So Dr. Poudel's
19 testimony is found in Exhibit 216, 217, and 218. And
20 at this time we'd move to admit those and.

21 JUDGE PRIDGIN: And to clarify, that
22 would be Dr. Poudel's direct is 216, rebuttal is 217,
23 surrebuttal is 218?

24 MS. JOHNSON: Correct.

25 JUDGE PRIDGIN: Thank you. Any

1 objections? All right. Hearing none,
2 Exhibits 216, 217, and 218 are admitted into
3 evidence.

4 (Staff Exhibits 216, 217, and 218 were
5 admitted and made a part of this record.)

6 JUDGE PRIDGIN: Dr. Poudel, thank you.

7 **THE WITNESS: Thank you.**

8 JUDGE PRIDGIN: Next Staff witness, J
9 Luebbert. And, Mr. Luebbert, you're still under
10 oath, sir.

11 (Witness previously sworn.)

12 J LUEBBERT

13 the witness, having been first duly sworn,
14 testified as follows:

15 JUDGE PRIDGIN: Anything from Staff
16 before this witness stands cross?

17 MS. JOHNSON: No. Staff considers him
18 tendered, thank you.

19 JUDGE PRIDGIN: Ms. Johnson, thank you.
20 Any questions, Public Counsel?

21 MS. VANGERPEN: No, thank you.

22 JUDGE PRIDGIN: Any cross from Renew
23 Missouri?

24 MR. LINHARES: No, thank you.

25 JUDGE PRIDGIN: Cross from NRDC?

1 MR. MORRISON: No, thank you.

2 JUDGE PRIDGIN: Ameren Missouri?

3 MR. HOLTHAUS: None, thank you.

4 JUDGE PRIDGIN: Any bench questions? All
5 right. Hearing none, Mr. Luebbert, thank you very
6 much.

7 **THE WITNESS: Thank you.**

8 JUDGE PRIDGIN: The next witness I
9 believe is Ms. Lange. And at the pace at which we're
10 going, I realize we might slow down at any time, but
11 I'm hopeful that parties are ready to go on to the
12 next issue later today if we have witnesses available
13 to keep going. It looks like I'm seeing some nods.
14 Okay. Very good.

15 MS. MOORE: Your Honor, with the caveat
16 that I think we might need a break to contact
17 Mr. Huber to make sure that he gets on the Webex.

18 JUDGE PRIDGIN: Absolutely. Absolutely.
19 Not a problem.

20 MS. VANGERPEN: Judge, we would also ask
21 for a brief break just to give us some time to kind
22 of wrap our head around moving to that next issue, so
23 maybe --

24 JUDGE PRIDGIN: Sure.

25 MS. VANGERPEN: -- just like after lunch

1 if that would be an option.

2 JUDGE PRIDGIN: Absolutely. Absolutely.

3 Thank you.

4 (Witness previously sworn.)

5 SARAH LANGE

6 the witness, having been first duly sworn,

7 testified as follows:

8 JUDGE PRIDGIN: Anything from Staff before

9 Ms. Lange takes cross?

10 MS. JOHNSON: No, Judge. We consider her

11 tendered for cross.

12 JUDGE PRIDGIN: All right. Thank you.

13 Any cross-examination, Public Counsel?

14 MS. VANGERPEN: Yes, just briefly, your

15 Honor.

16 CROSS-EXAMINATION

17 BY MS. VANGERPEN:

18 Q. Good morning, Ms. Lange. How are you.

19 A. **Morning. Good.**

20 Q. You were here for Mr. Wills' testimony.

21 Correct?

22 A. **I was.**

23 Q. I'm going to attempt to kind of paraphrase

24 what he said --

25 MS. MOORE: Your Honor, at this point I

1 want to renew the objection about friendly direct. I
2 think it's well-established case law that trying to
3 cross-examine a party who is adverse to you. And
4 again, I think OPC through the Staff witness is
5 trying to flush out more of their position.

6 JUDGE PRIDGIN: Ms. VanGerpen.

7 MS. VANGERPEN: Your Honor, I -- I just
8 want to get -- see if Ms. Lange agrees with a
9 statement that Mr. Wills made on the stand, and I'll
10 trial to limit it to a closed question.

11 JUDGE PRIDGIN: All right. I'll overrule
12 the objection.

13 MS. VANGERPEN: Thank you.

14 BY MS. VANGERPEN:

15 Q. So I'm going to attempt to paraphrase
16 what -- what Mr. Wills said. And as I understood it,
17 it was that the throughput disincentive just kind of
18 naturally occurs. Do you agree with that?

19 **A. I do not agree that the throughput**
20 **disincentive is naturally recovered in real time. I**
21 **do agree that over time, those costs that are not**
22 **recovered from certain ratepayers would be socialized**
23 **to other ratepayers through the operation of a rate**
24 **case.**

25 Q. You would agree with me then that

1 increases caused by new load growth would be also
2 socialized in a rate or lost in a rate case, that
3 would --

4 A. I do. And in that answer I'm realizing a
5 shortfall of what I just said. I need to make a
6 distinction between what would be mathematically
7 solved for as the throughput disincentive and what
8 actually occurs as energy sales avoided, and I don't
9 think that those two are the same. So just like we
10 wouldn't mathematically assume that a load that, you
11 know, if -- if an economic development authority came
12 in and said, We project that we're going to have ten
13 times more factories operating next year, we wouldn't
14 factor that into rates and we wouldn't consider that,
15 you know, increased revenues. That's -- that's also
16 the distinction I would make between the calculations
17 under the throughput disincentive tariff as proposed
18 by the Company and any actual throughput reductions
19 that may result due to utility-induced energy
20 efficiency programs.

21 MS. VANGERPEN: Nothing further. Thank
22 you, Judge.

23 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
24 Any cross from Renew Missouri?

25 MR. LINHARES: No, thank you.

1 JUDGE PRIDGIN: Thank you. Cross from
2 NRDC?

3 MR. MORRISON: None, thank you.

4 JUDGE PRIDGIN: Thank you. Any cross
5 from Ameren Missouri?

6 MS. MOORE: No, thank you, your Honor.

7 JUDGE PRIDGIN: Thank you. Any bench
8 questions? All right. Hearing none. Ms. Lange,
9 thank you.

10 MS. JOHNSON: Do we have a redirect?

11 JUDGE PRIDGIN: Oh, I'm terribly sorry.
12 Yes, redirect. Thank you.

13 MS. JOHNSON: Thank you, Judge. Just one
14 moment please.

15 REDIRECT EXAMINATION

16 BY MS. JOHNSON:

17 Q. Ms. Lange, I just want to ask you a
18 clarifying question regarding what is mathematically
19 solved for as a throughput disincentive versus what's
20 actually received.

21 A. Sure. I'll try to answer this as briefly
22 as possible, and I apologize in advance, it likely
23 won't be. So all of those issues that have been
24 brought up by many parties, rebound, inefficient use
25 of efficiency measures, all of those things as well

1 as any naturally-occurring load growth as well as any
2 weather impacts or other broader economic impacts
3 that may occur, occur. And those eventually do or do
4 not increase the Company's normalized annualized
5 billing determinants in a rate case. So that is I
6 guess the actual throughput amount.

7 What the throughput disincentive does or I
8 should say what I -- what I naively thought about 12
9 years ago the throughput disincentive did is take
10 really well-researched, really well-developed idea of
11 how people used energy and look at how that changed
12 when an efficient measure was installed and multiply
13 it by the number of people putting that measure in
14 and give the Company the difference between the FAC
15 base which we were using as a surrogate for the cost
16 of energy, and the retail revenue and provide the
17 Company with that money in real time knowing we were
18 ignoring weather.

19 It turns out that those aren't
20 well-researched or at least are no longer
21 well-verified even if they were at the time. It
22 turns out that those are not -- the words evaluate,
23 measurement, and verification it turns out don't
24 really mean what I thought those words meant. So it
25 isn't a case of we're going back and saying, We

1 thought you were going to avoid 10 kWh at a flat rate
2 of five cents per kWh. It is a case of, We thought
3 you were going to avoid 5 kWh. We gave you credit
4 for, you know, 75 percent reduction in that to
5 account for your normalization concerns with the IRS.
6 It turns out that even using verification of whether
7 or not customers did install measures, that you
8 probably only avoided 3 kWh but we can't refund that
9 one and half kWh difference. I'm sorry, my numbers
10 are all over the place.

11 It is an incredibly complex issue that we
12 tried to simplify, and it turns out we made too many
13 simplifying assumptions. It -- it -- actual
14 throughput is really, really, really hard to figure
15 out. And -- and that's even if everybody's in
16 agreement, everybody's on the same page, everybody,
17 you know, is fundamentally aligned. It's really,
18 really, really hard if not impossible to figure out.
19 And that's just very distinct from whether or not the
20 utility actually sold more energy in each year, and
21 generally speaking Ameren is selling more energy in
22 each year.

23 Q. Thank you for that. I'd like to move on
24 to a discussion about the throughput disincentive
25 recovery versus or in comparison to a general rate

1 cases. So under the current net throughput
2 disincentive structure --

3 MS. MOORE: Your Honor, I'm going to
4 object again. This is more direct supplemental
5 testimony based on -- yeah. And it's -- we're
6 getting beyond the scope of her response and the
7 questions.

8 JUDGE PRIDGIN: Ms. Johnson.

9 MS. JOHNSON: Judge, she directly spoke
10 to how it's calculated and when the recovery takes
11 place. She also spoke to actual avoided sales and
12 how those would come about and impact a rate case.
13 So I think this is an explanation and clarification
14 of exactly that.

15 MS. MOORE: But I think her response -- I
16 mean, we have an ask and answer. She has already
17 answered the question. She wasn't cut off by counsel
18 and she -- and to elicit further information I think
19 is improper.

20 JUDGE PRIDGIN: I'm going to overrule.

21 BY MS. JOHNSON:

22 Q. All right. Ms. Lange, we're on a
23 discussion of throughput disincentive recovery in
24 comparison to a general rate case. Under the current
25 net throughput disincentive structure, are there

1 assumptions that are made to adjust revenues through
2 the course of a rate case?

3 A. Yes. So a rate case adjustment is made
4 that ignores factors such as net to gross that --
5 that simply says during the test year, X measures
6 were installed in Y month and Z kWh are associated
7 with that so we are going to remove the corresponding
8 number of measures from a future month to recreate
9 billing determinants for the entire test period to
10 create an annualized level that would have existed if
11 every assumption about the impact of those measures
12 was accurate.

13 Now, that is applied to -- it depends on
14 the timing if it's applied to normalized or
15 unnormalized load, but either way you are aligning
16 assumptions for measures that tend to be related
17 to -- or tend to be subject to influence of weather
18 to actual load. And you're -- you're necessarily
19 always going to have a mismatch there.

20 Q. And how does that affect rates with all
21 else being equal?

22 A. I would be shocked if there's an instance
23 where actual savings were higher than what we
24 annualized in in a rate case, which means that we are
25 going to give the Company additional determinants

1 which extrapolate -- I'm sorry -- I'm --
2 exponentially increases revenue. If you decrease
3 determinants by a factor, you're increasing revenue
4 by a factor of, you know, a multiple of that when you
5 promulgate rates based on those determinants.

6 Q. So rates go up?

7 A. Rates go up. More -- more than they
8 should have, to be clear. Rates -- the assumption is
9 rates should go up, but this would increase that.

10 MS. JOHNSON: Thank you. Nothing further,
11 Judge.

12 JUDGE PRIDGIN: Ms. Johnson, thank you.
13 Bench questions? Chair Hahn.

14 QUESTIONS

15 BY CHAIR HAHN:

16 Q. Good morning, Ms. Lange.

17 A. Good morning.

18 Q. In opening statements, and we've talked a
19 little bit about this; I hope I didn't miss it while
20 I was out. But can you talk -- I know Mr. Wills
21 talked about this, but talk about why you no longer
22 support the throughput disincentive after PISA or
23 post-PISA.

24 A. Sure. There's -- there's kind of two
25 components of that if you'll allow.

1 Q. Sure.

2 A. The first is that this -- Staff's position
3 in this case is a return to the legislative
4 discussions, the rulemaking discussions of what this
5 component would look like. So understand that the
6 net throughput disincentive component when it was
7 developed was developed as a concession to the
8 utility because they said that, you know, we're going
9 to take our ball and go home effectively. And
10 that's -- that's where we started with MEEIA is the
11 idea if you don't get recovery for -- for what you
12 didn't sell. I'm sorry; I said that wrong. You
13 don't get recovery for revenues that are still beyond
14 what was assumed in the rate case.

15 That said, with PISA, I mean, it's --
16 it's -- the actual -- sorry. I'm going to try not to
17 give you 50 citations to my testimony, but it's --
18 it's laid out in my direct testimony with the
19 problems we have trying to reconcile the language in
20 PISA and in the MEEIA statute. And essentially
21 Staff's position is due to Ameren electing PISA, any
22 of these mechanisms are -- are not lawful for a
23 utility that has elected PISA. That said, if the NTD
24 is legal because it's being done under the MEEIA
25 statute rather than the PISA statute, then the

1 Staff-recommended mechanism is legal for the same
2 reason. And I think that discussion is on, if you
3 look around page 22 is where that would discussion
4 would begin in my direct testimony.

5 CHAIR HAHN: Thank you.

6 JUDGE PRIDGIN: Chair Hahn, any further
7 bench questions? Hearing none, any recross based on
8 bench questions from Public Counsel?

9 MS. VANGERPEN: No, thank you, Judge.

10 JUDGE PRIDGIN: Renew Missouri?

11 MR. LINHARES: No, thank you, Judge.

12 JUDGE PRIDGIN: Thank you. NRDC?

13 MR. MORRISON: None, Judge, thank you.

14 JUDGE PRIDGIN: Thank you. Ameren

15 Missouri?

16 MS. MOORE: Yes, just one quick question.

17 RECROSS-EXAMINATION

18 BY MS. MOORE:

19 Q. Ms. Lange, do you have or are you aware or
20 do you know the date the Company elected to take
21 PISA?

22 A. It's -- it's in my testimony; I don't
23 recall offhand. I think the unofficial motto of
24 Staff for years has been, We always reserve the right
25 to get smarter. And frankly, this is an issue I wish

1 **we would have caught sooner.**

2 MS. MOORE: Your Honor, I'm -- I think the
3 question -- the answer was in part responsive to my
4 question and then I move to strike the rest because
5 it was nonresponsive. I was just simply asking if
6 she was aware of the date and we've learned that she
7 was and it's in her testimony.

8 JUDGE PRIDGIN: All right. Thank you.
9 That's overruled. Thank you.

10 MS. MOORE: I have -- I'm sorry, I have
11 no further questions.

12 JUDGE PRIDGIN: All right. Thank you,
13 Counsel. Redirect?

14 MS. JOHNSON: No redirect, but at this
15 time we would move to enter Ms. Lange's direct which
16 is numbered Exhibit 26 -- sorry -- 203, my mistake.
17 Direct is 203, rebuttal is 204, and surrebuttal
18 is 205. Move to enter those three please.

19 JUDGE PRIDGIN: All right.
20 Exhibits 203, 204, and 205 have been offered. Any
21 objections? Hearing none, Exhibits 203, 204 and 205
22 are admitted into evidence.

23 (Staff Exhibits 203, 204, and 205 were
24 admitted and made a part of this record.)

25 MS. JOHNSON: Point of clarification,

1 Judge, I apologize. Ms. Lange's surrebuttal has both
2 public and confidential.

3 JUDGE PRIDGIN: Any objections to, I
4 guess to clarify, 205 or 205C?

5 MS. MOORE: None, your Honor.

6 JUDGE PRIDGIN: All right. Hearing no
7 objection, 205 and 205C are admitted into evidence.

8 (Staff Exhibits 205 and 205C were
9 admitted and made a part of this record.)

10 JUDGE PRIDGIN: Ms. Lange, thank you. I
11 believe Dr. Marke is the final witness on this topic.
12 And, Dr. Marke, you are under oath.

13 (Witness previously sworn.)

14 DR. GEOFF MARKE

15 the witness, having been first duly sworn,
16 testified as follows:

17 JUDGE PRIDGIN: Anything before he stands
18 cross?

19 MS. VANGERPEN: No, Judge. We consider
20 him tendered for cross.

21 JUDGE PRIDGIN: All right. Thank you.
22 Any cross from Staff?

23 MS. JOHNSON: Nothing from Staff.

24 JUDGE PRIDGIN: Thank you. Renew
25 Missouri?

1 MR. LINHARES: No, thank you, Judge.

2 JUDGE PRIDGIN: Thank you. NRDC?

3 MR. MORRISON: None, thank you.

4 JUDGE PRIDGIN: Thank you. Ameren

5 Missouri?

6 MS. MOORE: No questions. Thank you,
7 your Honor.

8 JUDGE PRIDGIN: Thank you. Any bench
9 questions? Hearing none. All right.

10 COMMISSIONER MITCHELL: I've got one.

11 JUDGE PRIDGIN: I'm sorry. Commissioner
12 Mitchell, when you're ready.

13 QUESTIONS

14 BY COMMISSIONER MITCHELL:

15 Q. Yeah. I don't completely understand the
16 plan to in-service accounting and how that connects
17 to the net throughput disincentive, and I'm hoping
18 Dr. Marke might be able to explain that to me.

19 A. I -- well, I think the witness before
20 would probably be a better one to explain the timing
21 and the impact that it has on rates. There's two
22 questions, Commissioner, that are in front of you. I
23 mean, one is I think more of a legal question. So
24 the PISA statute allows for either plant in-service
25 accounting which, you know, allows for, you know,

1 more contemporaneous recovery of a number of
2 different investments on the distribution
3 transmission and to renewable projects presently.

4 If -- the utility doesn't have to do PISA.
5 If -- the utility has an option. And one of that
6 options is decoupling. And the decoupling mechanism
7 is something that Liberty Utilities had elected the
8 first time around and then it's since withdrawn that
9 and has moved for PISA.

10 MEEIA allows for lost revenue recovery
11 from the energy efficiency savings associated --
12 verified energy efficiency savings from these
13 programs. Now, the mechanism that could be utilized
14 for that has gone through many different iterations.
15 So if you look at different states, the standard or
16 generally the most preferred way to do that is
17 decoupling for energy efficiency. Decoupling is sort
18 of a negative connotation within the context of our
19 world sometimes from a consumer advocate standpoint
20 because it's a risk-reducing mechanism. There's a
21 lot -- we had several different dockets opened up on
22 this topic since I've been here talking about the
23 pros and cons associated with decoupling.

24 MEEIA allows, again, lost revenue
25 recovery. It could go through decoupling. It would

1 probably be more accurate to call it an LRAM I think
2 is the term of art that like ACEEE and others would
3 use which is a lost revenue adjustment mechanism.
4 The big problem with it as Ms. Lange articulated is
5 there's a lot of confounding variables when you're
6 trying to isolate for the impact of just energy
7 efficiency by itself. So weather, the economy, load
8 growth one way or the other, you know, a pandemic,
9 right, all of these things are going to naturally
10 influence load one way or the other.

11 Now, you add on pricing mechanism with
12 Time of Use rates and you can see where -- where --
13 and I generally don't get too deep in the weeds with
14 the TD mechanism. There's a lot of other real estate
15 to cover in MEEIA. But you can see how it can be a
16 challenge. And to the extent when Staff talks about
17 trying to simplify this process and reserving the
18 right to get better, that's -- that's where we are in
19 our present situation. So I'm hoping I answered the
20 question.

21 Q. Thanks. And I've got another question.

22 A. Okay.

23 Q. If you don't mind if I switch gears for
24 just a second. If the Commission went -- you know,
25 went through and authorized the throughput

1 disincentive mechanism, what in your opinion would be
2 appropriate changes to account for all the different
3 circumstances that have occurred since that mechanism
4 was first I guess conceived and put into place?

5 **A.** **So it's a really good question. The**
6 **cleanest, not necessarily the easiest, but the**
7 **cleanest way to do it would be statutorily --**
8 **statutory changes. I mean, we introduce, you know,**
9 **the statewide program and we just specifically, you**
10 **know, spell out decoupling for energy efficiency**
11 **programs associated with that. There are -- there**
12 **are ways forward that simplify this process**
13 **considerably.**

14 **Absent that, our office -- our office's**
15 **position is to support Staff's number because**
16 **ultimately we believe that more accurately reflects**
17 **the reality of what's taking place. I'm not an**
18 **attorney so, you know, I -- I'm not going to opine**
19 **one way or the other over the legal ramifications of**
20 **whether the MEEIA statute pre -- because it predates**
21 **the PISA statutes, supercedes that provision or not.**
22 **That's not in my wheelhouse.**

23 **Q.** **Thank you. And I'm trying to connect the**
24 **throughput disincentive mechanism and how it's**
25 **measured, evaluated, and verified and your thoughts**

1 on how it's currently conceived to do that. And I
2 think what I'm getting at is the Technical Resource
3 Manual be a big part of the data pool for that
4 measurement at least. And can you talk about your
5 thoughts on how you -- how you view the -- that
6 process and I guess the -- the -- how that process
7 might reflect what really happens in practice?

8 A. Absolutely. Are you familiar with, you
9 know, back in the day where people would go to -- I
10 guess Lowe's still does it, Lowe's and Home Depot.
11 But, you know, I always about, you know, like Sears.
12 You would go to a store, you'd see, you know,
13 refrigerators or dryers, washers, and you'd see that
14 yellow Energy Star sign and it would say, you know,
15 on average this model will save you, you know, ten
16 more dollars for an average home. And it's got a
17 score; it's got an Energy Star score. It might go,
18 you know, up to a hundred. It might go, you know,
19 much lower. And people use that as sort of a
20 bandwidth to -- to understand whether something's
21 more efficient or not.

22 That's an example of just an engineer
23 estimate, right. There's a lot of assumptions that
24 go into that Energy Star score because obviously, you
25 know, the climate patterns in southern Missouri is

1 going to be very different than the climate patterns
2 in northern Missouri. And the Energy Star is even
3 more pronounced because it's going across the United
4 States.

5 But that's effectively how a TRM works.
6 It's an energy -- it's an engineer estimate of, you
7 know, averaging across, you know, multiple different
8 studies. We think that this measure will produce --
9 will perform like this. And again, it's making a lot
10 of assumptions. It's assuming that it's being
11 installed correctly, that it's being, you know, tuned
12 up throughout the life of that measure, that it's not
13 interacting, you know, its impact and impacting with
14 other measures isn't offsetting those savings.

15 So on one hand -- so there's one reality
16 where -- and I -- this is sort of a criticism I'd
17 level at, you know, the Department of Energy. You
18 know, when they pass a standard, they might say,
19 Well, you know, hey, we just increased the standard
20 of toasters and this is going to save customers, you
21 know, a trillion dollars. You know, that's -- that's
22 operating under a lot of different assumptions.

23 And what you find with energy efficiency
24 is that you get a point of diminishing returns with
25 some measures. So in a vacuum an HVAC might

1 perform -- is supposed to perform at a certain level,
2 but in operationally, that HVAC savings assumptions
3 is dependent on good ductwork. It's dependent on it
4 being right sized. It's -- it's dependent on all
5 these other factors.

6 Now, historically how we have approached
7 EM&V is we haven't had many hard questions about
8 those assumptions on the TRM side. The TRM, we've
9 largely leaned on other states and other models as
10 well as our own independent research, again, in
11 averages. It's then the second part of that EM&V --
12 let me pause real quick there because that TRM is
13 critically important because it helps inform the lost
14 revenues and the dollar amount that's associated with
15 that. It helps inform ultimately the earnings
16 opportunity that's associated with that.

17 And as, you know, Ameren talked about I
18 think yesterday, you know, with citing the Illinois
19 study where it's thousands of pages of text, the way
20 to best look at it is it's a living document, and
21 it's constantly evolving and getting better. But
22 reasonable minds can and do differ. So that process
23 can lead to regulatory stagnation and ultimately, you
24 know, contentious regulatory settings where we're
25 taking stuff in front of the Commission. We've

1 avoided that to a larger extent these last three
2 years because of the one-year extensions. But again,
3 it's come with trade-offs. Like we've had to concede
4 certain assumptions as a result of that. I'm not
5 sure that's sustainable long term.

6 I guess I'll leave it at that. Hopefully
7 I answered your question.

8 Q. Do you think with, really what I think is
9 a pretty broad deployment of AMI, that they're --
10 that that's a much richer data stream that actually
11 would be easier -- that you don't have to calculate
12 it. I think can you measure it at that level.

13 A. You can --

14 Q. Am I thinking about that wrong?

15 A. No, you're not. I mean, that would be a
16 rich data point to move from, and we've had some
17 preliminary discussions in the past about how AMI can
18 help inform EM&V, and it absolutely should. We're
19 going to be talking about programs here in a little
20 bit and I might be able to provide some more context
21 with that, with one particular program that -- that
22 sheds some light on how bill impacts are directly
23 related to the savings assumptions, and that's PAYS,
24 the PAYS program.

25 But here's -- here's the challenge I

1 would -- I would put out there. There is data
2 sensitivity issues associated with that. It's --
3 none of these are unsurmountable, but you also hit a
4 point where there's a million-plus customers. How do
5 you control for this. Do we -- there would be a lot
6 of sense making associated with how to move forward
7 with that. And I'm not saying it can't be done, but
8 those conversations haven't taken place to date to
9 any real extent. And again, you've got to control
10 for other confounding variables.

11 So if right now customers can switch rate
12 plans, customers -- you know, that's going to have an
13 impact ultimately on what takes place here. And at a
14 certain point this is -- again, this is from my own
15 biased perspective on this, I get to a point of just
16 kind of throwing my hands up into the air and saying,
17 you know, How certain do we need to be. And you hit
18 that point of starting to do some mental gymnastics
19 and just accept some certain assumptions. The
20 problem again is that we feel like we're at a point
21 now where it's -- it's just too darn rich, and we're
22 not very confident with ultimately that this will
23 lead to supply-side deferral in a meaningful manner.

24 COMMISSIONER MITCHELL: Thank you.

25 JUDGE PRIDGIN: Commissioner Mitchell,

1 thank you. Any further bench questions? Hearing
2 none, let me see if we have any recross based on
3 bench questions. Ms. Johnson?

4 MS. JOHNSON: Nothing from Staff.

5 JUDGE PRIDGIN: Thank you. Renew
6 Missouri?

7 MR. LINHARES: Nothing for Renew
8 Missouri, thank you.

9 JUDGE PRIDGIN: NRDC?

10 MR. MORRISON: None, thank you.

11 JUDGE PRIDGIN: Ameren Missouri?

12 MS. MOORE: Yeah. I just have a few
13 clarifying questions.

14 RECROSS-EXAMINATION

15 BY MS. MOORE:

16 Q. Good morning, Dr. Marke.

17 **A. Good morning.**

18 Q. Would you agree with me that the
19 throughput disincentive is trued up using the actual
20 EM&V energy savings?

21 **A. Yes.**

22 Q. And I think we discussed yesterday for the
23 Company's programs, EM&V as it stands today, accounts
24 for net to gross?

25 **A. Yes.**

1 Q. And then would you also agree -- you were
2 talking about using deemed savings to measure the
3 savings, but would you also agree that actual program
4 results also go into that calculation and that data
5 is also used?

6 A. I would say yes with quali -- with a
7 qualifying statement to follow up with that. We use
8 both. So each EM&V does reset. We do look at the
9 measures. The reality of it is is we can't look at
10 every measure. We can't look at every program in
11 great detail. There's a finite amount of money we
12 can spend on consultants to go ahead in any given
13 area. So we kind of pick and choose our issues I
14 guess is the best way to describe it.

15 Q. Yeah. But the actual program results is
16 something that the Company also considers in
17 analyzing it. Would you agree in some of the
18 discussions you had with them?

19 A. And the only thing that I would -- would
20 counter or push back on that is that is historically
21 true. We are raising a number of different issues in
22 this case that have not historically been looked at
23 in EM&V and we say effectively they need to.

24 Q. You know, I under -- I understand that.

25 A. Okay.

1 MS. MOORE: I just want to clarify though,
2 you know. That was the point. Your Honor, I have no
3 further questions.

4 JUDGE PRIDGIN: Thank you. Redirect?

5 MS. VANGERPEN: Just very briefly, Judge.

6 REDIRECT EXAMINATION

7 BY MS. VANGERPEN:

8 Q. Dr. Marke, you just mentioned in your
9 discussion with Ameren that there are a number of
10 issues not historically considered, I believe it was
11 in the net to gross. Do you remember that?

12 A. **That's correct.**

13 Q. Okay. And those issues are things like
14 the rebound effect, the interactive effects, the
15 principal-agent issue that are included in our list
16 of issues and in your testimonies. Is that correct?

17 A. **That is correct.**

18 MS. VANGERPEN: Nothing further, Judge.

19 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
20 Dr. Marke, thank you. And this appears to be a good
21 natural time to take a break. And I think I had
22 asked counsel earlier about moving on to the next
23 issue and I think you indicated you might need a
24 little time to contact witnesses, get them available.
25 Do you have an idea about how much break you would

1 like to get ready for the next issue?

2 MS. VANGERPEN: Judge, if we could, I
3 think the OPC would like to have until after lunch,
4 even if we do an early lunch.

5 JUDGE PRIDGIN: Okay. And that's kind of
6 what I was wondering if like maybe something more
7 like 12:30, one o'clock, if that would suffice.

8 MS. VANGERPEN: That's fine with us.

9 JUDGE PRIDGIN: Any disagreement or
10 comments? Anybody need more time or? Will that --
11 will 12:30 work?

12 MS. RUBENSTEIN: Judge, this is Sarah
13 Rubenstein. NRDC's witness would appreciate after
14 lunch as well.

15 JUDGE PRIDGIN: Ms. Rubenstein, thank
16 you. Would something like 12:30 or so work for you?

17 MS. RUBENSTEIN: That should work great.

18 JUDGE PRIDGIN: Very good. Thank you.
19 Anything -- then we'll plan to be on break then
20 until 12:30 and then start with the last issue and
21 see how far we get today. Anything further from
22 counsel or from the bench before we take a break?
23 All right. Hearing nothing further, we will be in
24 recess until 12:30. Thank you very much. We are off
25 the record.

1 (Off the record.)

2 JUDGE PRIDGIN: All right. Good
3 afternoon. We are back on the record. I believe we
4 are ready for opening statements for Programs which
5 is the final issue on the list of issues. Does
6 counsel need to bring anything to my attention before
7 we proceed to those opening statements?

8 MR. PRINGLE: Yes, Judge. Not a hundred
9 percent sure we need to take judicial notice of it,
10 but I have seen argued about this in the past, so.
11 Staff would like to request judicial notice of the
12 Report and Order in Docket EO-2015-0055. That is a
13 pretty long docket and the EFIS number is 289 and it
14 was filed on October 22nd, 2015.

15 JUDGE PRIDGIN: Any objections to that?

16 MS. MOORE: Could I have a clarification?
17 Are you just admitting the Report and Order? I
18 thought you --

19 MR. PRINGLE: Yes, just the Report and
20 Order.

21 MS. MOORE: Okay. You threw me off. I
22 just want a point of clarification though. There's
23 no objection to the Commission taking judicial
24 notice, but I want to make it clear that the other
25 parties do not have to -- it's not necessary. If

1 we're going to use a different docket to reference --
2 to have the judge, your Honor, take judicial notice
3 of that as well. Or, yeah. Or just, you know, to
4 cite to the Report and Order --

5 JUDGE PRIDGIN: Sure.

6 MS. MOORE: -- in the briefs.

7 JUDGE PRIDGIN: Okay. Thank you. The
8 Commission will take judicial notice of its Report
9 and Order in File No. EO-2015-0055. Anything further
10 before we proceed to openings?

11 MR. PRINGLE: Nothing from Staff, Judge,
12 thank you.

13 JUDGE PRIDGIN: Uh-huh. All right.
14 Ameren Missouri, whenever you're ready.

15 MS. MOORE: Thank you, your Honor. May
16 it please the Commission. I'm Jennifer Moore
17 appearing on behalf of Ameren Missouri again.

18 This week the hearings have focused on
19 many details filtered through the perspectives of
20 many parties. As we discuss the Program section, I
21 do not want to lose focus on the goal of energy
22 efficiency. So this week we've dedicated a lot of
23 time to the earnings opportunity subsection of MEEIA
24 and that goal should -- but we've lost sight of the
25 goal that should be given the most weight, and that

1 is that the Commission must ensure that financial
2 incentives are aligned with helping customers use
3 energy more efficiently and in a manner that sustains
4 or enhances utility customers to use energy more
5 efficiently.

6 When we talk about MEEIA portfolio or the
7 programs, we are talking about how each program helps
8 customers use energy more efficiently and in a manner
9 that sustains customers' incentives to use energy
10 more efficiently. And what this does, it gives
11 customers control over their usage and their bills.
12 The Company incents customers to use energy more
13 efficient -- more efficiently through these programs.
14 We talked about how the HVAC program being a step
15 into the residential demand response program or vice
16 versa. These programs complement each other and
17 offer demand and energy savings. The Company needs
18 both demand and energy savings as tools in its
19 reliability tool kit in order to help customers use
20 energy more efficiently.

21 There needs to be programs that appeal to
22 a diverse group of customers. And -- and these
23 customer needs tools like energy efficiency to help
24 them control their bill. To accomplish this goal the
25 Commission shall permit electric corporations to

1 implement Commission-approved demand-side programs
2 proposed pursuant to MEEIA with a goal of achieving
3 cost-effective demand-side savings. The more diverse
4 the portfolio, the ability to reach more customers is
5 increased. The more customer sees a savings on its
6 bill, the more the customer's likely to be
7 incentivized to use energy efficiency and go around
8 and start turning off fans and lights.

9 Because of these programs, they have --
10 will create in the past and in this program it's been
11 estimated that they will create approximately 2,700
12 jobs. And whether that's an engineer helping a small
13 business customer use energy more efficiently or
14 families hoping to reduce their usage in order to
15 minimize their bill.

16 Like all portfolios some programs become
17 more popular while others are less popular during the
18 term of the cycle. Please ask Mr. Lozano and Mr. Via
19 about how they need to manage the portfolio so that
20 programs that are experiencing demand continued to be
21 utilized by those customer and how they use maybe
22 some budget dollars from other programs who aren't
23 doing so well so that they can keep those other
24 programs running. This is not gaming the system, but
25 rather it's managing a portfolio to encourage

1 participation and to deliver as many benefits as
2 possible to our customers.

3 Mr. Via led the design of the portfolio,
4 and I encourage the Commission to ask about the
5 related challenges and opportunities in managing that
6 portfolio. The Company's portfolio is cost effective
7 with a TRC ratio of 1.4. The portfolio is another
8 tool in the reliability tool box for the Company to
9 rely on to meet its resource needs and the tools for
10 customers to control their bill. We are requesting
11 that these programs be approved so that we can
12 encourage our customers to use energy more
13 efficiently.

14 Are there any questions? That concludes
15 my comments.

16 JUDGE PRIDGIN: Ms. Moore, thank you.
17 Any bench questions? All right. Hearing none.
18 Ms. Moore, thank you.

19 MS. MOORE: Thank you.

20 JUDGE PRIDGIN: Any opening from Staff?

21 MR. PRINGLE: Yes, Judge.

22 JUDGE PRIDGIN: Mr. Pringle, when you're
23 ready. Chair Hahn. I'm sorry, I think she had a
24 question.

25 CHAIR HAHN: Yeah, sorry, for Ameren

1 counsel.

2 QUESTIONS

3 BY CHAIR HAHN:

4 Q. We've spent some time looking -- we're
5 trying to figure out which MEEIA 3 programs are still
6 in existence. It's kind of hard to tell with the
7 extensions. Would it be possible to either admit
8 that at some point or provide that information or who
9 do I ask?

10 A. So I think what you're -- I think what
11 you're asking are what are our current programs under
12 the program year 2024 extension. And those are all
13 outlined in the stipulation and settlement. And I
14 believe Mr. Lozano might have a list too. So I think
15 -- I think in our extension, for example, I know we
16 don't have educational tool kits, I remember that
17 because my daughter came home excited with one and so
18 -- but that's not in 2024. Those are no long --
19 we're not offering those now, but I think they went
20 back into the portfolio.

21 CHAIR HAHN: Thank you.

22 MS. MOORE: You're welcome.

23 JUDGE PRIDGIN: All right. Mr. Pringle,
24 when you're ready, sir.

25 MR. PRINGLE: Thank you, Judge. Judge

1 Pridgin, Chair Hahn, Commissioners. May it please
2 the Commission. We have reached the end. We've
3 discussed the lack of details in Ameren's application
4 and how that lack of detail impacts every part of the
5 application. This lack of detail extends to the
6 tariff program submitted by Ameren and as Staff has
7 noted throughout, the devil is in the details and
8 these tariffs are sorely lacking.

9 The Commission should reject Ameren's
10 proposed tariff programs. The rejection of a given
11 application is not an attack on the benefits of
12 ratepayers utilizing electricity more efficiently,
13 but rather an indication that the programs offered by
14 a utility in a given application are just not
15 reasonable, not well-supported, and/or did not meet
16 the various requirements that must be achieved prior
17 to approval and cost recovery from all ratepayers.
18 In this case Ameren's application fails to address
19 any of these three concerns.

20 Since the utility profits without
21 spending shareholder dollars in MEEIA programs, it is
22 imperative that the estimated benefits to ratepayers
23 identified in a MEEIA application are reasonable and
24 well-supported and that the tariffs are detailed
25 enough to derive actual ratepayer benefits. In this

1 application there is insufficient support for the
2 Commission to make the conclusion that ratepayers are
3 better off paying for the MEEIA 4 plan regardless of
4 their participation. Ameren Missouri shareholders
5 are incentivized to invest in additional generation
6 resources through a rate of return in traditional
7 ratemaking. Designing energy efficiency programs
8 that are ineffective in deferring, reducing, or
9 avoiding those investments benefits shareholders to
10 the detriment of ratepayers. Ameren's programs are
11 currently designed to manage to the metric, not to
12 benefit all ratepayers.

13 The broad language that Ameren is
14 requesting you approve provides it nearly unfettered
15 discretion and flexibility in benefiting Ameren, not
16 ratepayers. Without the modifications requested by
17 Staff, Ameren is disincentivized from implementing
18 programs that actually align with ratepayer benefits.
19 On this issue you're be hearing from Staff witnesses
20 Jordan Hull, Marina Stever, Amy Eichholz, Mark
21 Kiesling, and J Luebbert.

22 Jordan Hull has put forward testimony
23 addressing aspects of aggregator or retail customers,
24 also called ARCs, Ameren's business demand response
25 program, and the MISO planning resource auction.

1 Ms. Stever has put forward testimony
2 presenting and summarizing the costs incurred to date
3 and those projected through the end of 2024
4 associated with Ameren's MEEIA program.

5 Ms. Eichholz has put forward testimony
6 outlining Staff's concerns with Ameren's
7 income-eligible programs.

8 Mr. Kiesling has put forward testimony
9 outlining Staff's concern with Ameren's residential
10 and business programs. On the residential side
11 Mr. Kiesling addresses the residential new
12 construction, the residential demand response
13 specifically, the continued incentivization of new
14 thermostats, and the education energy efficiency
15 kits. On the business side, he has testimony
16 addressing concerns with Ameren's lighting and demand
17 response programs.

18 Finally, you will hear once more from
19 Staff witness J Luebbert who will take the stand to
20 address Staff's overall concern with the tariff
21 programs as well as how the seasonality of the MISO
22 planning resource auction must be taken into account
23 when designing demand response programs.

24 Please ask them any questions about their
25 topics. They are here to help you and inform you as

1 you reach a decision on this issue.

2 Now, though Staff does recommend
3 rejection, if the Commission does approve any part of
4 Ameren's application, it is essential that the tariff
5 sheets be modified. At the very least the exemplar
6 tariffs within the application's Appendix J must be
7 modified to include the following: First, a
8 description of the purpose of the program including
9 the desired outcomes of implementation. Second,
10 descriptions of availability for each program.
11 Third, clear definitions of terms within the program.
12 Four, program level budget by year broken down by
13 cost categories such as incentive amounts,
14 administration, labor, measurement, and verification.
15 Fifth, energy efficiency measures that are available
16 through each program. Six, the incentive amount of
17 each measure through each program. Seven,
18 description of the recovery of program
19 administration, the purpose, the availability,
20 descriptions, incentive amounts, applicable rates,
21 and those restrictions. And finally, an explanation
22 of the evaluation of each program including, but not
23 limited to, how achieved savings will be measured or
24 verified and the determination of goals achieved
25 through program implementation.

1 Thank you for your time this week. And
2 I'm happy to take any questions you may have.

3 JUDGE PRIDGIN: Mr. Pringle, thank you.
4 Any bench questions? Hearing none. Thank you very
5 much.

6 MR. PRINGLE: Thank you.

7 JUDGE PRIDGIN: Any opening from Renew
8 Missouri?

9 MR. LINHARES: Judge, I have no opening
10 on this topic. Thank you.

11 JUDGE PRIDGIN: Thank you. Any opening
12 on behalf of NRDC?

13 MS. RUBENSTEIN: Yes, Judge, I have an
14 opening statement.

15 JUDGE PRIDGIN: Whenever you're ready.

16 MS. RUBENSTEIN: Good afternoon. May it
17 please the Commission. I'm Sarah Rubenstein again
18 here representing NRDC.

19 NRDC respectfully asks that the
20 Commission approve Ameren Missouri's proposed MEEIA
21 energy efficiency plan with modifications. As is
22 explained in the direct and rebuttal testimony of
23 Stacy Sherwood, the plan has good attributes putting
24 forward a wide-ranging portfolio of programs and
25 measures across different rate-paying classes.

1 However, as the projected demand savings from the
2 program drop off after 2025, NRDC believes the plan
3 leaves room for improvement.

4 Ms. Sherwood's testimony recommends
5 modifications to the programmatic elements of the
6 plan that would expand its reach and increase its
7 demand savings opportunities. First, Ms. Sherwood's
8 testimony explains that the plan should be expanded
9 to reach a minimum of 1 percent annual energy
10 savings, an additional cost effective annual energy
11 savings that may be available to bring the program
12 closer to the level of savings projected by the
13 Commission's MEEIA demand side savings goals of 1.9
14 percent, closer to cost savings achieved by other
15 similarly-situated large electricity utilities in
16 excess of 1 percent, and closer to levels Ameren
17 itself achieved in prior years of .99 percent.

18 Second, Ms. Sherwood calls for the plan
19 to be modified to limit residential lighting programs
20 to direct installation and income-eligible properties
21 and to use a measure live assumption of one year.
22 The high-efficiency lighting discounts proposed in
23 the plan are no longer necessary in light of the fact
24 that LEDs now serve as the baseline.

25 Third, Ms. Sherwood's testimony calls for

1 expansions of the Company's residential demand
2 response program to offer winter demand response
3 opportunities and to include small business
4 customers. Ms. Sherwood suggests that this could be
5 accomplished by expanding the current residential
6 smart thermostat program to include winter events and
7 by expanding the entire program to reach small
8 businesses.

9 Finally Ms. Sherwood recommends braiding
10 or leveraging programs that promote the common goal
11 of reducing energy consumption and demand with MEEIA
12 programs rather than supplanting them. She believes
13 this will be especially beneficial because cost is
14 one of the greatest barriers to the implementation of
15 energy efficiency measures for both households and
16 businesses. Thank you very much.

17 JUDGE PRIDGIN: Ms. Rubenstein, thank
18 you. Any bench questions? I think I might have one
19 or two procedural questions, Ms. Rubenstein. Is
20 Ms. Sherwood taking the stand?

21 MS. RUBENSTEIN: She is, yes.

22 JUDGE PRIDGIN: Okay. I do not see her
23 on the list of witnesses. I have no problem at all
24 with her testifying. I just, I guess trying to
25 figure out where she would go in the witnesses, you

1 know, in the order of witnesses, assuming no counsel
2 objects.

3 MS. MOORE: Yeah, no objection. I
4 believe that was an oversight. We were trying to get
5 the document filed timely.

6 JUDGE PRIDGIN: Yeah. And like I said, I
7 certainly have no problem. I guess I'll just -- I
8 don't have to have the answer right now; I just kind
9 of want to know where she should fit in the schedule.
10 I mean, we could do last or somewhere in between if
11 counsel wants to kick it around at the break or
12 something, that's fine with me.

13 MR. PRINGLE: Yeah, Judge. Staff will
14 throw it out there. I think it would be appropriate
15 if Ms. Sherwood wants to take the stand following the
16 conclusion of Ameren's case.

17 JUDGE PRIDGIN: Okay.

18 MS. VANGERPEN: OPC agrees with that.

19 JUDGE PRIDGIN: Any objections or any
20 concerns with that?

21 MS. RUBENSTEIN: That -- that should be
22 fine.

23 JUDGE PRIDGIN: Okay. So Ms. Sherwood
24 would take the stand after Mr. Huber and before
25 Mr. Hull.

1 MS. RUBENSTEIN: Great.

2 JUDGE PRIDGIN: All right. Very good.
3 Thank you.

4 MS. MOORE: Your Honor, if I may make a
5 clarification --

6 JUDGE PRIDGIN: Sure.

7 MS. MOORE: -- to the communication I had
8 with Chair Hahn.

9 While the -- it is item -- the
10 stipulation and settlement in Docket 2018-0211, it is
11 listed as item 230 and it was filed on August 23rd.
12 However, in looking at it, it's not -- it has old
13 measures that weren't -- old programs that are no
14 longer, you know, that weren't included in this
15 cycle. So we are preparing you a sheet and if you'd
16 like us to offer it as a, you know, as an exhibit
17 into evidence, we can have that filed on EFIS or
18 move -- and then move to admit it.

19 CHAIR HAHN: That would be wonderful.
20 Thank you.

21 JUDGE PRIDGIN: All right. Ms. Moore,
22 thank you.

23 MS. MOORE: Uh-huh.

24 JUDGE PRIDGIN: Opening from Public
25 Counsel?

1 MS. VANGERPEN: Yes, thank you, Judge.

2 JUDGE PRIDGIN: And, Ms. VanGerpen, when
3 you're ready.

4 MS. VANGERPEN: Good afternoon, Chair
5 Hahn, Judge Pridgin, Commissioners. May it please
6 the Commission. For the last issue, we're going to
7 talk about the programs that Ameren proposes as part
8 of its amended application. Again, the OPC believes
9 that you should reject the entirety of the amended
10 application. We've discussed many reasons why
11 throughout this week, and Dr. Marke's prefiled
12 testimony addresses many of those issues further and
13 in greater detail.

14 But the deficiencies in many of Ameren's
15 proposed programs stands as yet another reason for
16 this Commission to reject the amended application.
17 However, if you conclude that Ameren should be
18 allowed to offer MEEIA programs, the OPC has two
19 alternative proposals for your consideration. First,
20 Dr. Marke has described a, quote, unquote MEEIA light
21 portfolio in his surrebuttal testimony. Much like
22 the negotiated one-year extensions, this portfolio
23 trims the fat from Ameren's proposal and the amended
24 application. It allows Ameren to offer five programs
25 over the next two years and those programs include an

1 income-eligible multifamily program, a modified
2 residential PAYS program, business demand response,
3 residential demand response, and business standard
4 nonlighting. If the Commission approves this MEEIA
5 light portfolio, then it should serve as a bridge
6 over the next two years as the parties work together
7 toward a statewide program.

8 Alternatively, Commissioners, throughout
9 his rebuttal testimony, Dr. Marke suggests
10 modifications to and in some cases total elimination
11 of certain programs that Ameren has proposed in its
12 amended application. For instance, he explains how
13 some programs are known to be full of free riders and
14 how others fail to account for progress made during
15 the extension years.

16 As we've discussed throughout this week,
17 MEEIA programs must evolve over time. Dr. Marke has
18 a history of helping these programs to do so. If you
19 decide to approve some of Ameren's proposed programs,
20 his suggestions will help that evolution continue and
21 we ask that you adopt them.

22 Compared to Ameren's amended application,
23 both of these portfolios are more aligned with the
24 public interest and help to ensure that customers
25 actually receive a benefit for the large investment

1 that they are required to make in energy efficiency.
2 However, again, we ask that you reject the amended
3 application, not only because of the deficient
4 programs, but also for all of the reasons that we
5 have discussed this week.

6 Again, I ask you to ask Dr. Marke any
7 questions that you have, and I'm happy to take any
8 questions as well.

9 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
10 Any bench questions? All right. Thank you.

11 MS. VANGERPEN: Thank you.

12 JUDGE PRIDGIN: I believe we're ready to
13 go to Ameren witness, Mr. Via, if I'm pronouncing
14 that correctly.

15 MS. HERNANDEZ: That's correct. I would
16 just -- we had discussed before the break, lunch
17 break to think on, you know, how we wanted to do the
18 discussion with the 11-step process. I would
19 propose that we take Mr. Via in order as on the
20 list, but then be able to recall him at the end
21 after all the witnesses just to discuss that one
22 particular 11-step -- 11-step process.

23 JUDGE PRIDGIN: Okay. Any -- any
24 objections?

25 MR. PRINGLE: No objection from Staff,

1 Judge.

2 JUDGE PRIDGIN: All right. Mr. Via, have
3 you been sworn yet, sir?

4 **THE WITNESS: Yes, I have.**

5 JUDGE PRIDGIN: Okay. Very good. You're
6 still under oath.

7 (Witness previously sworn.)

8 TIMOTHY VIA

9 the witness, having been first duly sworn,
10 testified as follows:

11 JUDGE PRIDGIN: And anything from Ameren
12 Missouri before he stands cross-examination?

13 MS. HERNANDEZ: Not at this time. We
14 tender him for cross.

15 JUDGE PRIDGIN: Okay. Very good.
16 Cross-examination. Renew Missouri?

17 MR. LINHARES: None for Renew Missouri.
18 Thank you, Judge.

19 JUDGE PRIDGIN: Thank you. Any cross
20 from NRDC?

21 MS. RUBENSTEIN: No. No, Judge, thank
22 you.

23 JUDGE PRIDGIN: Thank you. Any cross
24 from Staff?

25 MR. PRINGLE: Yes, Judge, thank you.

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CROSS-EXAMINATION

BY MR. PRINGLE:

Q. Good afternoon, Mr. Via.

A. Good afternoon.

Q. And I kind of want to talk to you about the demand response programs real quick. With the residential demand response, there is no opt-out option. Correct?

A. Yes, that's correct. Residential customers are not allowed to opt out of energy efficiency.

Q. But on the business side, customers are allowed to opt out. Correct?

A. Yes. There are certain criteria that's outlined within our plan on the criteria for how business customers can opt out. But as part of our stipulation, they are able to participate in our business demand response program.

Q. Are you -- and, well, I guess so when they do opt out, what does that mean?

A. I'm not the -- the best person to address that. That potentially would be Tony Lozano -- Lozano on our team.

Q. And are you aware how many Ameren customers choose to opt out of the business demand

1 response program?

2 **A. The number is updated in our filing, but I**
3 **can't recall offhand, but it is part of our filing.**

4 Q. Do you know where in the filing that could
5 be found?

6 **A. I think there's a business opt out on the**
7 **business programs section, but I would have to find**
8 **it.**

9 MR. PRINGLE: One moment, Judge.

10 BY MR. PRINGLE:

11 Q. And going back to the residential side,
12 Mr. Via, which measure -- sorry -- which measures are
13 eligible for the residential efficient products
14 program?

15 **A. Those measures are part of what we filed**
16 **as part of the submittal tool in our plan. I do not**
17 **know exactly all the measures that are offered.**

18 Q. And you said that was in the submittal
19 tool. Where can these measures be found in the
20 tariffs?

21 **A. Those measures are -- are not listed in**
22 **the tariff, but they are listed on our website where**
23 **what we've worked out is the measure-plus incentives**
24 **are included and listed on our website.**

25 Q. So they're just listed on the website, but

1 not in the tariff?

2 **A. No. I think the tariff refers to the**
3 **website where they can actually receive the**
4 **incentive.**

5 Q. Then also if a reference to the incentive
6 range document within Appendix D -- well, sorry,
7 scratch that.

8 So are all the measures included in the
9 appendix, are they all going to be available?

10 **A. Can you repeat that question please?**

11 Q. So pretty much any -- all the measures --
12 I guess let's talk about the actual website instead.
13 All those measures listed on the website, they will
14 all be available?

15 **A. Yes, that's correct.**

16 Q. Okay. And then also when it comes to the
17 deemed savings tables, are all those measures going
18 to be available?

19 **A. If those measures are part of the programs**
20 **that -- the existing programs that we're**
21 **implementing, they will be available.**

22 Q. And then also when it comes to let's say
23 the design, implementation, and impact of the demand
24 response programs, are you the best witness to ask
25 those questions, or who should I ask those to?

1 **A. As far as our witnesses, I think I can**
2 **respond to those questions.**

3 Q. Okay. So what are the hour -- what hours
4 does Ameren target as most likely to coincide with
5 the MISO public resource auction spring peak hours?

6 **A. That I do -- I do not know. I would not**
7 **be able to address that question.**

8 Q. Do you know if there's a witness who can?

9 **A. I would look to either Tony Lozano or**
10 **Steve Wills.**

11 Q. And would you be able to answer that same
12 question for the fall peak answers?

13 **A. That would be my same response.**

14 Q. And for the winter peak hours?

15 **A. That would be the same response.**

16 MR. PRINGLE: Thank you, Mr. Via. No
17 further questions, Judge.

18 JUDGE PRIDGIN: All right. Thank you.
19 Any cross from Public Counsel?

20 MS. VANGERPEN: No, thank you.

21 JUDGE PRIDGIN: Thank you. Any bench
22 questions?

23 COMMISSIONER KOLKMEYER: Yeah, this is
24 Commissioner Kolkmeier. Just for the record, I'm on
25 Webex.

1 JUDGE PRIDGIN: Good afternoon and
2 welcome. Any questions from the bench?

3 COMMISSIONER MITCHELL: Judge, one -- one
4 here.

5 JUDGE PRIDGIN: When you're ready,
6 Commissioner.

7 QUESTIONS

8 BY COMMISSIONER MITCHELL:

9 Q. Thanks, Mr. Via. Just taking lead from
10 your counsel, can you -- can you talk about how you
11 managed the portfolio of programs in regards to sort
12 of mix and matching and adjusting the buckets of the
13 programs and, you know, what the challenges and
14 opportunities in managing the portfolio would be if
15 it's approved.

16 A. Yes. I explained in my testimony, but to
17 simplify things, the process that we go through to
18 build out our portfolio included first working with
19 our implementer market potential study that gives us
20 a snapshot of the opportunity that we have for
21 energy efficiency. We look at that data, and that
22 data is -- is incorporated into our integrated
23 resource plan that develops a preferred plan which
24 includes our -- our DSM plan of energy efficiency,
25 DR.

1 We then take these inputs and we send out
2 those targets to the market in the form of a robust
3 RFP process. Part of that RFP process that we
4 incorporated, we received 40 proposals, over 40
5 proposals on programs designed to possibly be
6 incorporated into our plan to meet those energy and
7 demand needs. From that we worked and chose our
8 top-selected implementers and part of -- with those
9 proposals developed a plan.

10 That plan inserts -- each sector of that
11 plan were provided in presentations to Staff and OPC
12 and other stakeholders to identify what we've
13 received from the market and what we're looking to
14 include in the plan to get -- to get feedback upon
15 that. Upon that, we build out our plan.

16 The goal of our plan as we put it together
17 is a couple of things. One is to maximize the
18 benefits for our customers. Two is to maximize
19 participation for our customers. As Staff alluded to
20 earlier, our customers, most -- the majority of our
21 customers other than our large industrial customers
22 are not able to opt out which means that they're --
23 that they will be paying the energy efficiency
24 charge. So we see it as an opportunity design,
25 cost-effective programs where more of our customers

1 can participate. And that's how we put together the
2 different plans. So to maximize participation but
3 still keeping in mind making the programs cost
4 effective as well as maximizing benefiting for -- for
5 our customers.

6 Q. Thank you. And I'm just trying to
7 understand how this would work as you identified
8 programs that are underperforming. Could resources
9 then be shifted to the elements of the program that
10 are performing well? And if the answer to that
11 question is yes, is there some adjustment in the
12 overall cost of the program?

13 A. Well, as -- as I stated before, we looked
14 from best practices from our implementation --
15 implementers on programs. I think that's what we
16 talked about, the incentive range that we filed. We
17 have the opportunity to shift those incentive range
18 to get better participation from that. In order to
19 shift that, we do have the 11-step process that
20 included that we will work with Staff and OPC and
21 others before making those incentive ranges.

22 As spoke to earlier from Staff, the
23 question about why not including those incentive
24 within the tariffs. As we looked at it, and I know
25 we'll get into it later with the 11-step process, but

1 we've -- we've had over 28 11-step processes enacted
2 through MEEIA. What that gives, afford us an
3 opportunity to work with stakeholders, gain approval
4 or guidance to move forward incentive changes and
5 make those incentive changes without having to refile
6 tariffs. You think about that. If we had to
7 refile 28 times, that's 28 times that you as
8 Commissioners would have to rule on and approve that
9 tariff change in going through that process. So we
10 saw this as part of MEEIA 3 as a way to simplify the
11 process, still get buy-in from all stakeholders and
12 move forward and make the process more efficient for
13 all.

14 COMMISSIONER MITCHELL: Thanks so much.
15 That helps me. I'm looking forward to hearing more
16 about the 11-step process a little bit later. Thank
17 you.

18 JUDGE PRIDGIN: All right. Commissioner
19 Mitchell, thank you. Any further bench questions?
20 Hearing none. Any recross based on bench questions
21 from Renew Missouri?

22 MR. LINHARES: No, thank you, Judge.

23 JUDGE PRIDGIN: From NRDC?

24 MS. RUBENSTEIN: No, thank you, Judge.

25 JUDGE PRIDGIN: Staff?

1 MR. PRINGLE: Yes, Judge, thank you.

2 RE-CROSS-EXAMINATION

3 BY MR. PRINGLE:

4 Q. Mr. Via, going back to Commissioner
5 Mitchell's questions, how many implementers does
6 Ameren employ or contract with?

7 A. We currently have two prime implements.
8 We have implementation -- implementer that implements
9 our residential prime implementer, and we also have a
10 prime implementer on our business program. And then
11 we have a prime implementer over -- that oversees
12 our -- the EM&V process. These implementers, they
13 may have subimplementers to implement certain aspects
14 of our portfolio different programs.

15 Q. But you're not aware of how many subimp --
16 subimplementers they may have?

17 A. As far as subimplementers, I can't recall
18 the exact number. If you give me a specific program,
19 I could recite who the implementer is that is working
20 with our prime to implement that program.

21 Q. That's fine, Mr. Via. Also do you know
22 how many evaluators Ameren employs or contracts with?

23 A. We have -- at this current time we have
24 one evaluator that imp -- that implements that
25 portion of our program.

1 Q. Do you --

2 A. That portion of the program that completes
3 the EM&V analysis.

4 Q. Do you know, what is the cost to Ameren
5 for these implementers you described early?

6 A. As part of the -- we have the cost
7 estimated, I think we estimate the cost at being 3
8 percent within our portfolio. That cost is
9 identified in Appendix A. Past evaluations, you can
10 see from the final EM&V reports that has the final
11 implementation cost is included in those final
12 reports.

13 Q. And how about the cost for the evaluators?

14 A. It's similar, that those are included in
15 Appendix A. I'm sorry; I might have misspoke when I
16 talked about implementation contractors. It's not 3
17 percent. The evaluator implementation cost is
18 modeled at 3 percent. The implementation is modeled
19 at the percentage based on those portfolio.

20 Q. Okay. And so when you say 3 percent, is
21 that 3 percent of \$370 million?

22 A. Yes. That's the estimate that we have for
23 our evaluation contractors. And per MEEIA we're
24 allowed to go up to 5 percent, but we -- we've been
25 able to create efficiencies to get it down to -- to 3

1 percent.

2 Q. And then also you talked about top
3 implementers. How does the Company choose top
4 implementers?

5 A. As I mentioned we go out for a robust RFP
6 process, and we have evaluation of those processes
7 based on, it's various things. It's based on their
8 experience, their experience in our territory, the
9 types of program they implement, cost. So there's a
10 lot of factors that comes into play. And then we
11 hire the best implementer to -- to implement within
12 our -- for our portfolio.

13 Q. Do you know, do implementers ever propose
14 new programs to Ameren?

15 A. Yes. We received proposals, I think it
16 was over -- over 50 new programs that were proposed
17 for this -- this cycle from -- from implementers.
18 Part of that is what we propose as a new pilot
19 innovative-type process. So we could potentially
20 review those and bring them up to the top for which
21 one may be more effective to bring into our
22 portfolio.

23 Q. So if I'm understanding you correctly,
24 Mr. Via, any programs not currently offered by Ameren
25 proposed by implementers, they would fall under that

1 pilot program that's being proposed. Correct?

2 A. Well, the pilot is a process that's
3 proposed. That proposal includes evaluating those
4 programs, what's the opportunity of those programs.
5 And there's also an opportunity for feedback and
6 interaction with our stakeholders before moving
7 forward and actually implementing those programs.

8 Q. Are you aware of what percent of project
9 spend the pilot program is?

10 A. I'm not familiar, but that -- that is also
11 in Appendix A.

12 MR. PRINGLE: Thank you, Mr. Via. No
13 further questions from Staff, Judge.

14 JUDGE PRIDGIN: All right. Thank you.
15 Any cross from Public Counsel?

16 MS. VANGERPEN: No, thank you.

17 JUDGE PRIDGIN: Redirect?

18 MS. HERNANDEZ: Just a few, thank you.

19 REDIRECT EXAMINATION

20 BY MS. HERNANDEZ:

21 Q. I want to take us back to the question
22 that Commissioner Mitchell asked. And he asked about
23 moving dollars from one program to another to help
24 underperforming programs or you -- you discussed that
25 with him. If Ameren Missouri does not spend those

1 dollars that are moved, does Ameren Missouri recover
2 those dollars through the EEIC?

3 **A. No. We only recover dollars that are used**
4 **as part of implementation of those programs.**

5 Q. So the actual program costs are trued up
6 in the rider?

7 **A. Yes. Yes, they are.**

8 MS. HERNANDEZ: That's all the questions.
9 Thank you.

10 JUDGE PRIDGIN: Ms. Hernandez, thank you.
11 Mr. Via, thank you. You may step down. I believe
12 Mr. Lozano is the next witness.

13 MS. MOORE: That is correct, your Honor.

14 JUDGE PRIDGIN: And, Mr. Lozano, you are
15 still under oath.

16 (Witness previously sworn.)

17 ANTONIO LOZANO

18 the witness, having been first duly sworn,
19 testified as follows:

20 JUDGE PRIDGIN: Anything from Ameren
21 Missouri before he stands cross-examination?

22 MS. MOORE: Your Honor, the Company
23 tenders Mr. Lozano for cross-examination. He's been
24 previously sworn.

25 JUDGE PRIDGIN: Thank you.

1 Cross-examination from Renew Missouri?

2 MR. LINHARES: No, thank you, Judge.

3 JUDGE PRIDGIN: Thank you. From NRDC?

4 MS. RUBENSTEIN: No, thank you, Judge.

5 JUDGE PRIDGIN: Staff?

6 MR. PRINGLE: Yes, Judge. Thank you.

7 CROSS-EXAMINATION

8 BY MR. PRINGLE:

9 Q. Good afternoon, Mr. Lozano.

10 **A. Good afternoon.**

11 Q. Were you here for Mr. Via's testimony just
12 a moment ago?

13 **A. Yes, sir.**

14 Q. There were a few questions he told me to
15 ask you so I'm just going to throw them your way.

16 **A. For sure.**

17 Q. What are the hours -- well, what hours
18 does Ameren target as most likely to coincide with
19 the MISO planning resource auction spring peak hours?

20 **A. To be clear, when you say does Ameren
21 target, target for what?**

22 Q. Well, this is going to be for, well, MEEIA
23 planning purposes.

24 **A. I've thought about this a little bit. I
25 heard you ask him the questions for the different**

1 seasons. Since this ties to the broader reliability
2 strategy of the Company, I can speak a bit from a
3 MEEIA perspective, but I think that would be best for
4 Mr. Wills who's coming up right after me so we can
5 give you the most comprehensive answer.

6 Q. All right. Well, I guess then, are you
7 aware of what the hours are currently that they're
8 being targeted for MEEIA purposes?

9 A. Not off the top of my head, I do not.

10 Q. All right. Well, then, do you know what
11 the demand reduction capability of the demand
12 response programs will be for -- well, just for
13 the purpose of the spring MISO plan resource auction
14 in 2025?

15 A. For the spring auction, again, not off the
16 top of my head. I -- we can get that for you. I
17 would be happy to.

18 MR. PRINGLE: Okay. One moment, Judge.
19 Thank you for your time, Mr. Lozano. No further
20 questions.

21 JUDGE PRIDGIN: Thank you. Any cross
22 from Public Counsel?

23 MS. VANGERPEN: No, thank you.

24 JUDGE PRIDGIN: Thank you. Any bench
25 questions? Hearing none. I think I have just a few.

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QUESTIONS

BY JUDGE PRIDGIN:

Q. Mr. Lozano, if the Commission were to cap the 2025 to 2027 MEEIA costs to the levels of the prior plan, are there programs that Ameren would want to eliminate, or would it just reduce each program cost equally?

A. Thank you for the question. Certainly we would -- we would not look at that equally across the board, and I think there are a couple very important reasons for that, mainly because the efficacy of all programs are not equal. So we'd want to look at the reach and the impact of the programs and the cost effectiveness of each program. That's probably the most comprehensive answer I can give you or the concise answer.

Q. Thank you. And this may already be in prefiled testimony, and if so, please, you know, just refer me to that. But is Ameren able to rank the proposed 2025 to 2027 programs in order of the greatest savings, you know, percentage, you know, of cost like most to least, or is that somewhere else in prefiled?

A. And to make sure I understand your question so I can answer it, are you asking from a

1 cost-effectiveness standpoint or from an energy
2 savings or a demand savings or maybe a conglomeration
3 of all above?

4 Q. Mostly cost. But, I mean, if there's --
5 if you have the other rankings, that would also help.

6 A. We can certainly do it from a
7 cost-effectiveness standpoint, from a TRC standpoint.
8 And then -- and then we could absolutely say what are
9 the energy savings and what are the demand savings as
10 well. Absolutely.

11 Q. With --

12 A. I -- I apologize. Just to -- just maybe
13 if I could add a little bit to that.

14 Q. Sure.

15 A. When we look at the total resource cost
16 test, one of the reasons why that is such an
17 impactful view is because it does take into account
18 those proposed energy and demand savings as well as
19 what the costs are. And those energy and demand
20 savings are what drives that benefit. So if we
21 looked at from that perspective, that would be a --
22 that would be a good view.

23 Q. With the information and products that
24 customers have to reduce energy usage, why does
25 Ameren Missouri think that its customers need this

1 pending MEEIA 4 plan and the costs that go with it?

2 A. I think that's a great question. Mainly
3 reliability today is strained, and we need, from a
4 resource perspective supply and demand side, we need
5 to continue to -- we need to continue to tap into --
6 I'm going to use Ms. Moore's phrase earlier -- all
7 the cost-effective tools in the tool kit that we can.
8 We know -- we know this has been effective for over a
9 decade and we know if we design it well and we
10 deliver it well, it can continue to be not only cost
11 effective but really impactful from a lot of
12 nonenergy benefits as well. And it -- and it
13 absolutely can and should be part of that solution
14 when we think about the reliability of the state
15 going forward.

16 Q. Does the level of free ridership indicate
17 that Ameren Missouri customers don't even need this
18 MEEIA plan in the first place?

19 A. The short answer is no. And as we
20 continue to -- Mr. Graser has provided a lot of
21 testimony from an EM&V perspective. I know there
22 wasn't much discussion yesterday on that -- on that
23 with him. But as we continue to go through that
24 process, I would -- I would just encourage that we
25 continue to make sure that the opportunity for

1 evaluating that and taking into account within that
2 process would be there. So to the extent that that
3 change, that we would understand that and we would --
4 we would adjust accordingly.

5 Q. If Ameren Missouri's prior MEEIA plans
6 were effective, why is this MEEIA plan even needed?

7 A. From a -- from a macro level perspective,
8 we've heard a lot about the clean energy transition.
9 We've heard a lot about load changing and load
10 growing. And -- and those things will continue to
11 happen.

12 I don't want to get too ambiguous with my
13 answer here, but when we think about the demand
14 response side -- and, Chair Hahn, you were asking me
15 questions about demand response specifically and what
16 role it could play in reliability, it absolutely can.
17 Energy efficiency also can play a role in
18 reliability. And I think that is going to be needed
19 as -- I should put my hands down and just talk.
20 As -- as that equation continues to get tighter and
21 tighter and tighter, the need to balance that
22 equation will become even more and more important in
23 the coming years. So from a reliability perspective
24 I think that's important.

25 From an energy efficiency perspective, I'm

1 going to tie back to my continuous improvement in
2 lean days. What -- what is that doing. That is --
3 that is looking at what are the opportunities we have
4 out there on the -- I'm going to use the word
5 "system" generically -- on the system. And that is
6 taking away potential waste on the system and making
7 the system as a whole more efficient.

8 Regardless of technology changing and
9 regardless of updating systems and humans putting
10 different processes in place, new waste will always
11 be there. And the reason -- the reason why energy
12 efficient is important, it helps to reduce that and
13 make -- no pun intended -- make the system more
14 efficient. So we can help that become more
15 efficient. We know it's cost effective. And at the
16 same time with that supply demand equation getting
17 tighter, we can help that balance as well.

18 JUDGE PRIDGIN: Mr. Lozano, thank you.
19 Let me see if we have any recross based on bench
20 questions. Any cross from Renew Missouri?

21 MR. LINHARES: None, thank you, Judge.

22 JUDGE PRIDGIN: Thank you. Any from
23 NRDC?

24 MS. RUBENSTEIN: No, thank you, Judge.

25 JUDGE PRIDGIN: From Staff?

1 MR. PRINGLE: Yes, Judge, thank you.

2 RE-CROSS-EXAMINATION

3 BY MR. PRINGLE:

4 Q. Going back to some of your responses to
5 the bench, Mr. Lozano, are you aware of specific
6 language in the MEEIA rules that limits nonenergy
7 benefits?

8 A. I'm thinking through this right now. I'm
9 picturing the rules in my head. I know that
10 nonenergy benefits, we do not include that in our
11 total resource cost test. I know that. I'm also
12 aware that nonenergy benefits are laid out in the
13 MEEIA rules by three categories. One is for the
14 customers --

15 Q. Well, actually since you brought the TRC,
16 actually that -- that helps with my next question.
17 Does the TRC consider program costs?

18 A. I can speak to that at a high level. I
19 think Mr. Brueggemann's probably the better person to
20 talk to that. The TRC from a cost perspective, it
21 does have administrative costs. It does have the
22 participant cost which is, you know, how much you're
23 going above the baseline. From a benefit
24 perspective, it includes the avoided costs and
25 compares those two.

1 Q. But does it consider the program costs?

2 A. I believe the program costs are in those
3 administrative costs.

4 Q. Does it consider incentive costs?

5 A. This is where it gets a little bit outside
6 of my area of expertise, but the way -- the way the
7 explanation is understanding is when you talk about
8 the -- those participants costs and where you're
9 going above the baseline. That's where I think
10 Mr. Brueggemann would be best to -- to explain that,
11 and he is coming up.

12 Q. Okay. And then will -- I guess would he
13 be best for does the TRC consider TD costs?

14 A. Yeah. He would absolutely be.

15 Q. And same thing for earnings opportunity
16 cost?

17 A. And it does include the earnings
18 opportunity.

19 Q. And that's a yes or a no?

20 A. It is a yes.

21 MR. PRINGLE: Thank you, Mr. Lozano. No
22 further questions, Judge.

23 JUDGE PRIDGIN: All right. Any recross
24 from Public Counsel?

25 MS. VANGERPEN: No, thank you.

1 JUDGE PRIDGIN: Any redirect?

2 MS. MOORE: Yes, your Honor, thank you.

3 REDIRECT EXAMINATION

4 BY MS. MOORE:

5 Q. I'm going to start with some questions
6 because they're probably -- from Staff counsel
7 they're probably fresh in your mind. When you were
8 talking about nonenergy benefits, I believe you were
9 cut off. Did you want to continue?

10 A. Yeah. I'm picturing the rules and I'm not
11 going to be able to lay them all out, but there's
12 three categories of nonenergy benefits that the MEEIA
13 rules state. And the first category relates to
14 customers and it talks about things like productivity
15 and the like. The second category relates to the
16 Company, and it talks about like arrearages and bad
17 debt write-offs. And the third category relates to
18 society as a whole and it talks about economic
19 development and other items like that. So those are
20 the three broader categories that are laid out in the
21 MEEIA rules, none of which we have included in our
22 cost-effectiveness testing, but all of which are
23 stated in the MEEIA rules.

24 Q. And now I want to follow up on some of the
25 questions from Judge Pridgin. He kind of asked some

1 questions about, you know, why the Company wants to
2 do energy efficiency. Is Ameren Missouri
3 experiencing load growth?

4 A. Yes.

5 Q. And does energy efficiency offset Ameren's
6 load?

7 A. Yes. I can give some examples.

8 Q. Sure.

9 A. Yeah. One of the things that's been
10 fascinating to me this week is we've stayed at a
11 really, really high level. And -- and I can
12 understand that to an extent because staying at a
13 high level is, you know, we're trying to make sure
14 strategically things -- things are set up correctly.

15 But we have got thousands and thousands
16 and thousands of examples just over the last couple
17 years, certainly over the last couple decade -- or
18 the last decade-plus of -- let me give you here.
19 Lindbergh High School who since 2016 has sunk 13
20 projects to save \$325,000 annually in their bills.
21 This work is, among other things, it supports a new
22 flexible future-ready learning environment for all
23 those students.

24 Randolph area YMCA in Moberly, not -- not
25 too far away from here, has saved \$23,000 annually in

1 their costs. This directly goes to support their
2 scholarship programs. By the way, Randolph area
3 YMCA, 227,000 kilowatt hours a year. Lindbergh High
4 School, 4,051,000 kilowatt hours a year saved.

5 And the thing I struggle with here is
6 either those numbers are completely made up and
7 somebody's paying them every single year for those
8 savings so they can offset those scholarship programs
9 and they can do those other things, or those are
10 real. So something's happening there. And we've got
11 thousands of examples like that. So we can talk
12 about the tactical details and we can talk about the
13 nuances, but those are real. Those -- those impacts
14 are real.

15 Q. I want to touch upon another question. So
16 I'm kind of switching gears here. So if you're
17 saying energy efficiency offsets Ameren's load, isn't
18 it also true that regardless of free ridership,
19 whether you count it or, you know, and -- or you
20 don't count it, whether you deduct it, free ridership
21 is still out there and the system load is reduced?

22 A. You're saying -- excuse me.

23 Q. If --

24 A. Make sure I understand the question.

25 Q. If I'm -- if I'm a free rider, but I've

1 reduced my usage --

2 **A. The load is still --**

3 Q. -- doesn't that also help the system load?

4 Am I correct in that?

5 **A. It does.**

6 Q. One last question in terms of -- and this

7 might be a better question for Mr. Via and that's

8 fine, but when the budgets are set, do certain

9 programs have an economy of scale?

10 **A. Yes.**

11 Q. And so would administrative costs be the

12 same regardless of the economy of scale? So if you

13 had a large economy of scale with a program and the

14 incentives --

15 **A. You're saying with --**

16 MR. PRINGLE: Objection; beyond the scope

17 of bench questions.

18 JUDGE PRIDGIN: Ms. Moore?

19 MS. MOORE: Well, I don't think so. In

20 my notes here I have talk about reducing or capping

21 the budget. And if that, you know, is something that

22 the Commission's considered -- considering, I just

23 want to get more clarity in the record on how those

24 are designs and just so that there's an understanding

25 of some impacts that might happen.

1 JUDGE PRIDGIN: Yeah. I'll overrule the
2 objection.

3 THE WITNESS: I believe what you're
4 asking, are there fixed costs --

5 BY MS. MOORE:

6 Q. Correct.

7 A. -- with some programs.

8 Absolutely. And so if -- if the programs
9 get bigger, the percent of administration costs goes
10 down.

11 Q. And so some programs -- I don't know how
12 to -- give me a moment to phrase this. So some
13 programs, if their budgets are reduced, the projected
14 savings might be reduced as well?

15 A. Yes.

16 Q. But those two numbers don't necessarily
17 correlate?

18 A. Yeah. It's not -- not linear
19 interpolation.

20 Q. Yeah.

21 A. Yeah.

22 MS. MOORE: I have no further questions.

23 JUDGE PRIDGIN: Ms. Moore, thank you.

24 Mr. Lozano, thank you very much. I believe Mr. Wills
25 is the next witness.

1 MS. MOORE: Excuse me, your Honor. While
2 Mr. Lozano sits down, I'd like to move to offer
3 Ameren Exhibit 105, Ameren Exhibit 106, and Ameren
4 Exhibit 107. And let me identify those. Ameren's
5 Exhibit 105 is Mr. Lozano's -- let me put my reading
6 glasses on and start over. Ameren Exhibit 104 is
7 Mr. Lozano's direct testimony. Ameren Exhibit 105
8 is Mr. Lozano's rebuttal testimony, and Ameren
9 Exhibit 106 is Mr. Lozano's surrebuttal testimony.
10 So excuse me for that.

11 JUDGE PRIDGIN: Okay. And, Ms. Moore,
12 you're offering those three exhibits. Is that
13 correct?

14 MS. MOORE: I'm sorry, could you repeat
15 that?

16 JUDGE PRIDGIN: Sure. You're offering
17 those exhibits?

18 MS. MOORE: Yes, your Honor. But do I
19 want to clarify that 104 has both public and
20 confidential versions.

21 JUDGE PRIDGIN: Okay. So we'll label
22 those as 104 and 104C.

23 MS. MOORE: Thank you, your Honor.

24 JUDGE PRIDGIN: Any objections? Hearing
25 none, Exhibits 104, 104C, 105, and 106 are admitted

1 into evidence.

2 (Company Exhibits 104, 104C, 105, and 106
3 were admitted and made a part of this record.)

4 JUDGE PRIDGIN: And Mr. Wills is on the
5 stand. You're still under oath.

6 (Witness previously sworn.)

7 STEVEN WILLS

8 the witness, having been first duly sworn,
9 testified as follows:

10 JUDGE PRIDGIN: Anything from Ameren
11 before he stands cross-examination?

12 MS. HERNANDEZ: This is Mr. Wills last
13 time taking the stand, so we would move for admission
14 of Exhibit No. 102, public and confidential, that's
15 his rebuttal testimony, and Exhibit No. 103, his
16 surrebuttal testimony.

17 JUDGE PRIDGIN: All right. Exhibits 102
18 and 102C and 103 have been offered. Any objections?
19 Hearing none, Exhibit 102, 102C, and 103 are admitted
20 into evidence.

21 (Company Exhibits 102, 102C, and 103 were
22 admitted and made a part of this record.)

23 MS. HERNANDEZ: Thank you. And I tender
24 the witness for cross.

25 JUDGE PRIDGIN: All right.

1 Ms. Hernandez, thank you. Any cross from Renew
2 Missouri?

3 MR. LINHARES: No, thank you, Judge.

4 JUDGE PRIDGIN: Thank you. NRDC?

5 MS. RUBENSTEIN: No, thank you, Judge.

6 JUDGE PRIDGIN: From Staff?

7 MR. PRINGLE: Yes, Judge, thank you.

8 CROSS-EXAMINATION

9 BY MR. PRINGLE:

10 Q. Good afternoon, Mr. Wills.

11 A. **Good afternoon.**

12 Q. And were you present for the testimonies
13 of Mr. Via and Mr. Lozano?

14 A. **I was.**

15 Q. All right. So you heard them defer some
16 questions to you.

17 A. **I did, yes.**

18 Q. All right. So, Mr. Wills, what hours does
19 Ameren target as most likely to coincide with the
20 MISO planning resource auction spring peak hours?

21 A. **So, you know, I think it's a -- there's a**
22 **little bit of complexity to this that I want to back**
23 **up and kind of talk through. But, you know, the way**
24 **our load gets, you know, our capacity obligation in**
25 **the -- and I -- let me also just say about this, I've**

1 been hands-on with this in the past. It's been a few
2 years since I was hands-on with it. I'm pretty sure
3 my memory is accurate and consistent with what goes
4 on today. You know, Mr. Michels would have had some
5 other perspective on pieces of this as well. I think
6 I can do it justice. Just caveating a little bit
7 because, you know, my hands-on activity with this is,
8 you know, has been a couple of years removed. But
9 I'm pretty sure that, you know, most of these details
10 are still going to be accurate.

11 So our spring capacity obligation is going
12 to be based off of Module E load forecast that we
13 submit to MISO. And so that -- that -- it's a load
14 forecasting process we do annually. You know, it's
15 separate but related from the IRP forecast because
16 the IRP forecast is a snapshot every three years; we
17 have to do this annually. But how much capacity we
18 have to, you know, hold or procure in the capacity
19 auction is tied to our Module E forecast by season.
20 So our peak load and our load forecasting team
21 applies, you know, they -- at least this is when I
22 was doing it; this is how it worked. MISO would
23 publish the peak hours that -- that ex -- there's,
24 you know, the overall MISO footprint peaked, and we
25 would do a coincidence analysis of our system peak

1 load to the MISO peak load.

2 And then -- you know, so whatever -- so
3 our -- our peak capacity obligation was driven by our
4 peak load forecast with this capacity -- or I'm
5 sorry -- this coincidence factor that would -- that
6 expressed kind of the relationship between Ameren
7 Missouri's and MISO's peak load.

8 And so what we know though is, you know,
9 from -- that's kind of the annual operational way
10 that we -- we get our capacity obligation and MISO;
11 it's based off of our forecast. So we know our peak
12 load is going to be what that capacity obligation is
13 driven around.

14 So you step back to the planning process.
15 And where that occurs and most robustly is going to
16 be in the integrated resource plan, right. I know
17 you're probably looking at our filing here and you
18 see one coincidence factor for determining kind of
19 the capacity, the avoided capacity cost. The IRP is
20 much more detailed than that.

21 So what happens in the IRP is we develop a
22 number of different portfolios, you know, RAP, MAP.
23 Mr. Michels could probably rattle them off, but there
24 was, I think, an 80 percent of RAP portfolio. Each
25 of those portfolios is shaped on an hourly basis

1 using end-use load shapes specific to the measures
2 that are included in our -- in our potential study of
3 RAP. So we have kind of a, you know, a time-based
4 projection of the load impacts of -- of our
5 portfolio, of our RAP-level portfolio, our MAP-level
6 portfolio, our other portfolios. And it reduces our
7 load which is also an hourly forecast.

8 And so when Mr. Michels and then the IRP
9 team are -- are calculating kind of the net present
10 value of revenue requirement in the integrated
11 resource plan, he's going to price, you know, whether
12 we're short or long capacity at our -- at our, you
13 know, kind of forecasted or projected capacity prices
14 in MISO. So those are the charts that appear
15 throughout Mr. Luebbert's testimony. And so the
16 short or long position based off of the peak hour
17 that includes shaped peak impacts of our portfolios,
18 it's going to essentially price that at the -- the
19 capacity price that -- that's in whatever IRP
20 scenario that we're running there.

21 And so really when you -- when you're
22 looking at the most robust and detailed planning, you
23 know, assessment of how these are going to impact our
24 seasonal peak loads and how the MISO seasonal peaks
25 influence what portfolio is going to be most cost

1 effective, it's going to be from evaluating that net
2 present value of revenue requirement that included
3 all of those assumptions and it -- projections with
4 the best available data, you know, that -- that we
5 have. So it -- it's going to tie straight through to
6 the process that we're going to use when we actually
7 get a capacity obligation in MISO because that's
8 going to be based off of our peak forecast.

9 So the planning version of that is the IRP
10 where we have a peak forecast that's based off of
11 hourly shapes applied to the- - the measures in
12 our -- in our portfolio as load reduction resources
13 so to speak hope. And hopefully that's enough detail
14 to answer your question.

15 Q. Well, I guess I -- it was a lot of detail
16 and I appreciate that, Mr. Wills. But I guess I
17 didn't hear what hours though.

18 A. So if you -- if you recall at the
19 beginning of that, I said the way that we get our --
20 so it's -- the hours are our peak hours for that
21 season because the way that -- so that -- that's what
22 hours, you know. Whatever hour in our forecast the
23 peak hour is is going to be the hour that is being
24 assessed kind of through that. Because we know when
25 we get to operations, our peak forecast is going to

1 be the basis of that. It's going to have a -- it's
2 going to have a coincidence factor applied to it
3 before it gets offered into the MISO Module E.

4 But the hour is our system peak hour of
5 that season is what it's being planned to.

6 Q. All right. Well, then, I guess for the
7 Commission's knowledge, what is the peak hour during
8 spring for Ameren?

9 A. It's dependent on the weather.

10 Q. And then I guess also what you're talking
11 about, assumption of forecasting, are you aware what
12 will the demand reduction capability of demand
13 response programs be for the spring MISO PRA hours
14 in 2025?

15 A. I saw some numbers in Mr. Michels'
16 spreadsheet that he was looking at when we were
17 preparing, and I know it was around 170 megawatts
18 was expected. I don't want to say that that's
19 precisely 170, but that was what he had -- he -- you
20 know, when we were discussing this earlier this week,
21 you know, I saw that spreadsheet and it -- my
22 recollection is that it was around 170 megawatts.

23 Q. Okay. And are you also able to recall
24 what that would be in 2026?

25 A. I wouldn't -- I -- I don't know -- have a

1 year by year on that. I mean, I think they were, for
2 demand response, they were relatively similar year to
3 year. I think, you know, the programs are pretty
4 well-subscribed at this point so I don't know if
5 there -- there may have been some growth due to
6 additional participation, but I think it was
7 relatively flat across the three years.

8 Q. Okay. So that would also apply to 2027,
9 that 170 you think?

10 A. It's my best estimate.

11 Q. And can you answer that same question for
12 the fall?

13 A. It was very similar. It was a very
14 similar number. So if you think about the fall and
15 spring peaks, you know, I think this came up the
16 other day, but, you know, the fall season in MISO is
17 September, October, November; the spring season is
18 March, April, May. In general, those peaks happen in
19 September and May on hot weather days. That, you
20 know, kind of the measure mix that will produce peak
21 savings is the very same measure mix that's going to
22 produce peak savings in the summer. So to the extent
23 that you are designing your programs for peak impact
24 in the summer, they're going to have similar efficacy
25 in the spring and fall.

1 Q. And then finally, I think you see this one
2 coming, for the winter?

3 A. And I'm -- I'm sorry. For the winter,
4 what's the --

5 Q. Yes. What will the demand reduction
6 capability of the demand response programs be for
7 winter MISO PRA hours?

8 A. Yeah. I think of the existing resource
9 right now, it's quite small. I think it was six to
10 ten megawatts, something like they. I will tell you
11 that that's based off of present, you know,
12 enrollment. And as either Mr. Lozano or Via
13 indicated, we're in the process of testing, you know,
14 our winter capability with some of our programs and
15 expanding the thermostat capability to the winter.

16 I know there was a test event held with --
17 in winter of 2023 that again, I'm going to use a
18 round number because I don't have the -- have it
19 memorized out to the end, but it was somewhere around
20 in between I think 60 or 70 megawatts of capability
21 that we were able to test and demonstrate. That
22 hasn't been and can't be bid into the MISO auction
23 unless and until we have a program year that spans
24 the full MISO planning year. But I think we're --
25 we're fulling anticipating doing that and prepared to

1 do that.

2 Q. And -- one moment, Judge.

3 And just a little clarification on
4 that 170 number, Mr. Wills. Is that for a warm May
5 or a cold March?

6 A. My -- I didn't -- I didn't see that. I
7 feel pretty comfortable speculating that it was May.
8 Or not speculating; I've got experience in doing the
9 forecast historically. So I -- maybe informed
10 speculation that it's probably May.

11 MR. PRINGLE: Thank you for your time,
12 Mr. Wills. No further -- further questions, Judge.

13 JUDGE PRIDGIN: Mr. Pringle, thank you.
14 Any cross from Public Counsel?

15 MS. VANGERPEN: No, thank you.

16 JUDGE PRIDGIN: Any bench questions?
17 Chair Hahn, when you're ready.

18 QUESTIONS

19 BY CHAIR HAHN:

20 Q. Good afternoon, Mr. Wills.

21 A. Good afternoon.

22 Q. I am -- I've spent some time looking over
23 the EM&V for 2023 and also the Appendix A with the
24 megawatt savings and the TRC values. Some of the
25 programs don't perform really compared to others, so

1 some of them don't really achieve the -- any
2 significant megawatt savings. Some of them don't
3 pass the TRC. In thinking about Ameren's MEEIA
4 portfolio -- I'm just going to give an example. The
5 energy efficiency kits for example. They seem to
6 probably have fairly high overhead, fairly low
7 savings on megawatt or dollars. So I'm -- help me
8 understand why that's included as part of the
9 portfolio.

10 A. Yeah. I'll do my best, and Mr. Via may
11 have had more, you know, more to offer on this. But
12 I think as I understand it, you know, the -- kind of
13 the design of the portfolio is a couple of things.
14 Is a part of, you know, driving participation and
15 programs is creating awareness, and I think those
16 kits are maybe, you know, used as an entryway to
17 drive awareness of programs that might drive
18 participation in other things. Again, I'm not, you
19 know, super well-versed in the very details of that,
20 but if it -- if -- I think that's at least a part of
21 that situation there.

22 Q. One program that performs not well in
23 either the EM&V or according to Appendix A is the
24 PAYS program. So I'm also -- I'm just trying to go
25 program by program. What programs, if we're going to

1 continue with MEEIA programs, produce the most
2 savings at the least cost? And so some of the
3 programs that are included don't do that and PAYS in
4 particular doesn't seem to perform.

5 A. So I -- you know, and again, you know,
6 Mr. Via or Lozano may have more detail on this, but,
7 you know, my understanding -- so what -- are you
8 familiar with the PAYS --

9 Q. Uh-huh.

10 A. -- concept model?

11 My understanding is that the barrier to
12 participation there has been the fact that -- and I
13 actually participated in the PAYS, so I've
14 experienced this. So when you go in and do a home
15 energy audit for folks and you -- I mean, I think
16 it's very comprehensive and can get very good and
17 deep savings. But they are also, it then becomes,
18 you know, Pay -- the Pay as You Save model only
19 allows you to pay up to an amount that when it's
20 recovered on the bill, it will be less than the
21 savings that are projected for the efficiency
22 upgrade.

23 And so any additional measure cost is an
24 upfront payment that the participant has to make. I
25 paid an \$800 check to get my efficiency upgrades and,

1 you know, there was an incentive that was paid to
2 cover the other part of it. I'm able to make an \$800
3 payment, you know, when this comes up. I think a lot
4 of the -- my understanding is a lot of the problems
5 getting, driving adoption which would grow the scale
6 of that and might improve the cost effectiveness is
7 that upfront payment element of it. So, I mean, I
8 think that's some of the genesis of that as I
9 understand it. So does that answer your question?

10 Q. Yeah, I think so. You know, earlier I
11 think Mr. Lozano was asked if you were -- we are
12 reducing -- the Commission decided to just reduce the
13 budget, would Ameren just reduce the budget for every
14 program equally or would you use some program
15 measures to figure out which ones to implement. If
16 the Commission were to reduce the overall budget, how
17 would Ameren go about handling that?

18 A. Yeah. I mean, I think we can give you
19 high level. I mean, we'd have to go back and, you
20 know, do some, you know, probably analysis and
21 comparisons and trade-offs. But, I mean, I think,
22 you know, to the point Mr. Lozano made, I think we
23 would look at the cost effectiveness of the programs
24 and try -- certainly try to, you know, retain, you
25 know, the most -- the most budget and the most highly

1 cost-effective areas.

2 You know, there may be strategic
3 considerations about how one program impacts another.
4 You know, I'm not suggesting that kits would -- would
5 make the -- but in my example where it was used to
6 drive program participation in other places because
7 it created awareness, maybe there would be a
8 strategic consideration like that. I don't expect --
9 I mean, at least based off of what I know about it, I
10 don't expect the kits probably would be the one
11 that --

12 Q. Yeah.

13 A. -- that would do that.

14 But that's just an example of another type
15 of consideration we might have. But I think it would
16 have to be just a careful redesign of, okay, look at
17 what are the attributes we're looking for. We need
18 to get enough demand savings and we need to get
19 enough energy savings and we need this to be as cost
20 effective as possible. And I think people could
21 systematically go through the programs and understand
22 the kind of interrelationship of those programs and
23 make the best decisions for that. I don't -- I think
24 we could certainly do that.

25 Q. Okay. It seems like that could be -- I

1 mean, if we're trying to keep energy efficiency as
2 part of -- if that's the goal to keep as part of the
3 portfolio, it seems like maybe looking at how the
4 programs perform may be a viable path forward.

5 **A. Yeah. And, I mean, I --**

6 **Q. Just thinking through it.**

7 **A. And I think that's a great thing to be**
8 **thinking about and I, you know, honestly the thing I**
9 **don't know mostly is about procedurally how we, you**
10 **know, how we get from here to there. But I**
11 **absolutely think the Company can, you know, if you've**
12 **got guidance about, you know, what level you're**
13 **considering, I think the group can go back and think**
14 **about how it would construct that. How it -- how it**
15 **works out procedurally, I don't know if the lawyers**
16 **figure out how that would happen, but.**

17 **Q. I have to ask a lot of procedural**
18 **questions and get educated quite frequently. You**
19 **know, there's just -- everyone can use their --**
20 **the -- even evidence that's in the docket on what**
21 **performs and doesn't and go through and figure out**
22 **what performs and doesn't and --**

23 **A. Yeah. I think there would be a path to**
24 **getting there. We would just have to navigate it.**

25 **CHAIR HAHN: Thank you.**

1 JUDGE PRIDGIN: Chair Hahn, thank you.
2 Any further bench questions? Hearing none, I think I
3 have maybe a couple. I don't -- I think these are
4 similar to Chair Hahn's questions, but not quite the
5 same.

6 QUESTIONS

7 BY JUDGE PRIDGIN:

8 Q. Could any of these programs be offered at
9 a lower cost if the MEEIA cycle increased from three
10 years to say five years?

11 A. Again, this is probably a Mr. Lozano or
12 Mr. Via question better, but my understanding is that
13 generally, yes, over a longer term, they may be able
14 to get, you know, you know, lower cost. I'm -- I'm a
15 little bit of -- I'm a little bit out of my league,
16 but I think that a longer term generally can probably
17 produce lower, you know, some lower administrative
18 costs for administering that program. Don't hold me
19 to it, but that's my expectation.

20 Q. If the Company were charged with
21 decreasing its administrative costs to around 25
22 percent, what would the impact be to specific
23 programs or measures?

24 A. Boy, that one really might actually be
25 fully out of my -- out of my depth.

1 JUDGE PRIDGIN: I understand. All right.

2 Mr. Wills, thank you. Let me see if we have any
3 recross based on bench questions. Any cross from
4 Renew Missouri?

5 MR. LINHARES: No, thank you, Judge.

6 JUDGE PRIDGIN: Thank you. From NRDC?

7 MS. RUBENSTEIN: No, thank you, Judge.

8 JUDGE PRIDGIN: Thank you. From Staff?

9 MR. PRINGLE: One moment, Judge. No
10 questions, Judge, thank you.

11 JUDGE PRIDGIN: Thank you. Any recross
12 from Public Counsel?

13 MS. VANGERPEN: No, thank you.

14 JUDGE PRIDGIN: Redirect?

15 MS. HERNANDEZ: A few, thank you.

16 REDIRECT EXAMINATION

17 BY MS. HERNANDEZ:

18 Q. I want to take you back to when you were
19 answering Chair Hahn's question about if budgets were
20 reduced, you know, if Ameren could evaluate the
21 programs to keep in the portfolio. And I want to ask
22 you in particular when you look at a program's
23 performance, can you evaluate that program's
24 performance on a given year or a snapshot, or is
25 there a certain time period that you look at that

1 program's performance to -- to evaluate its
2 effectiveness over time?

3 **A.** **I mean, I think both are probably**
4 **important. You -- you know, we certainly will have**
5 **an evaluation annually of that, but I -- I think also**
6 **looking at the trends it would be important as well.**
7 **So, I mean, I think I don't think you would probably**
8 **exclusively look at either -- either one year or a**
9 **long time horizon. I think you probably want**
10 **information about both.**

11 MS. HERNANDEZ: Nothing further, thank
12 you.

13 JUDGE PRIDGIN: All right, thank you.
14 Mr. Wills, thank you very much. You may step down.

15 **THE WITNESS: Thank you.**

16 JUDGE PRIDGIN: This looks to be a good
17 time to take a break since we started before 1:00.
18 I'd like to take a couple of breaks this afternoon
19 and then go till roughly five o'clock depending on
20 how the witness flow goes. So I show the time to be
21 not quite two o'clock, so let's take a break until
22 about 2:15. And then I believe Mr. Brueggemann will
23 be the next witness from Ameren. Anything from
24 counsel or from the bench before we take a break?

25 MS. MOORE: Your Honor, I just want to

1 remind you the next two Ameren witnesses have not
2 been sworn in.

3 JUDGE PRIDGIN: Thank you for the
4 reminder. I appreciate that, Ms. Moore. All right.
5 We will be on break until 2:15. Thank you. We are
6 off the record.

7 (Off the record).

8 JUDGE PRIDGIN: Good afternoon. We are
9 back on the record. I believe Ameren Missouri
10 Witness Brueggemann is next to take the stand.
11 Anything further from the bench or from counsel
12 before he testifies? All right. Mr. Brueggemann,
13 come forward and be sworn please.

14 (Witness sworn.)

15 JEFF BRUEGGEMANN
16 the witness, having been first duly sworn,
17 testified as follows:

18 JUDGE PRIDGIN: Thank you very much. You
19 may have see a seat. And, Ameren, when you're ready.

20 MS. MOORE: Thank you, your Honor.

21 DIRECT EXAMINATION

22 BY MS. MOORE:

23 Q. Good afternoon, Mr. Brueggemann. Could
24 you please state your name and spell it for the court
25 reporter.

1 **A. Yes. It's Jeff Brueggemann, J-e-f-f,**
2 **B-r-u-e-g-g-e-m-a-n-n.**

3 Q. And, Mr. Brueggemann, have you -- did you
4 prepare direct testimony filed in this proceeding?

5 **A. Yes, I did.**

6 Q. And I think we have identified that as
7 Ameren Exhibit 112?

8 **A. That's correct.**

9 Q. If I were -- do you have any corrections
10 or changes to those -- to your direct testimony?

11 **A. No, I do not.**

12 Q. If I were to ask you the same questions
13 that are contained in your testimony today, would
14 those questions still be the same or similar?

15 **A. Yes, they would be the same.**

16 Q. And are your responses to those questions
17 contained in your direct testimony true and accurate
18 to the best of your knowledge?

19 **A. Yes, they are.**

20 MS. MOORE: With that, your Honor, I move
21 to admit Ameren Exhibit 112 and tender
22 Mr. Brueggemann for direct testimony. I mean for
23 cross-examination.

24 JUDGE PRIDGIN: Ms. Moore, thank you.
25 I'm sorry, 112 is?

1 MS. MOORE: The direct testimony.

2 JUDGE PRIDGIN: Direct, thank you.

3 MS. MOORE: Yes.

4 JUDGE PRIDGIN: Any objections? Hearing
5 none, Exhibit No. 112 is admitted into evidence.

6 (Company Exhibit 112 was admitted and
7 made a part of this record.)

8 JUDGE PRIDGIN: Cross-examination, Renew
9 Missouri?

10 MR. LINHARES: No, thank you, Judge.

11 JUDGE PRIDGIN: NRDC?

12 MS. RUBENSTEIN: No, thank you, Judge.

13 JUDGE PRIDGIN: Any cross from Staff?

14 MR. PRINGLE: Yes, Judge, thank you.

15 CROSS-EXAMINATION

16 BY MR. PRINGLE:

17 Q. Good afternoon, Mr. Brueggemann.

18 **A. Good afternoon.**

19 Q. And were you here for the testimonies of
20 Mr. Via and Mr. Lozano?

21 **A. I was.**

22 Q. Did you hear them defer a few questions to
23 you?

24 **A. Yep. Yes, I did.**

25 Q. All right. Mr. Brueggemann, my questions

1 have to do with the TRC. Does the TRC consider
2 program costs?

3 A. In the context of program costs if you
4 mean administrate -- administrative costs for the
5 program, yes.

6 Q. And to be clear, that's just the admin
7 costs of the programs?

8 A. I'm not saying it only includes that. I'm
9 saying it includes -- program costs is kind of a
10 general -- a general term, so you can define that
11 different ways.

12 Q. Does a TRC consider incentive costs?

13 A. The TRC includes the equivalent of
14 incentive costs because it includes the incremental
15 major costs of participants. For example, if you --
16 if you're being incented to put in a new air
17 conditioner and the difference between the base unit
18 and the efficient unit is \$500, that -- that \$500 is
19 called an incremental measure cost from going from
20 base to efficient. That is included in the TRC. Our
21 incentives are a component of that, so we're giving
22 an incentive as a portion of that \$500 to pay down
23 that incremental cost. So yes, the -- depends on
24 how you look at it in terms, but it's included.

25 Q. Does that include the whole range of

1 incentives?

2 **A. Does it include -- can you please clarify**
3 **that?**

4 Q. Yes. Does TRC take into account both the
5 high and the low -- the low and the high end of the
6 incentives?

7 **A. There's only one incentive. And in this**
8 **is -- the discussion around this is pretty detailed**
9 **in Mr. Wills' testimony, so I recommend that you read**
10 **that and in detail because there is a lot of**
11 **discussion around what is included in the TRC and**
12 **what shouldn't be included and how it is calculated.**

13 Q. Thank you for that, Mr. Brueggemann. And
14 finally does TRC consider EO costs?

15 **A. The portfolio, yes, it includes the EO**
16 **cost.**

17 Q. And sorry, I have one more for you. Does
18 it include TD costs?

19 **A. TD is not technically a cost in that**
20 **context, no. It's kind of a transfer cost. No, it**
21 **is not included.**

22 MR. PRINGLE: Thank you, sir. That's all
23 the questions I have at this time.

24 JUDGE PRIDGIN: Mr. Pringle, thank you.
25 Any cross from Public Counsel?

1 MS. VANGERPEN: No, thank you.

2 JUDGE PRIDGIN: Any bench questions? All
3 right. Redirect?

4 REDIRECT EXAMINATION

5 BY MS. MOORE:

6 Q. All right. I -- Mr. Brueggemann, you
7 weren't here earlier this week and didn't hear all of
8 the context behind this. Does the TRC include --
9 when you talk about incremental cost, that level of
10 incremental cost, does it matter if the incentive is
11 changed within the plan? How would you account for
12 that? For example, I think we have in our Appendix D
13 a level -- a ranges of incentives, and I think the
14 question is how is that accounted for.

15 A. So there's multiple times that there's a
16 TRC calculated. There's a TRC calculated for the
17 plan and there's also TRCs calculated for evaluated
18 results.

19 Q. Okay.

20 A. So that's --

21 Q. I think we want to focus on how you did it
22 for the plan.

23 A. So the TRC includes one level of
24 incentives what is built into the plan. The range --
25 there's a high and a low range and that incentive has

1 to fall somewhere in between that range.

2 Q. All right. So if you -- if the incentive
3 is increased, would the TRC number change?

4 A. Not to the extent that it would -- let me
5 think about that for a second. Not to the extent
6 that it would exceed the incremental cost because it
7 -- because typically in most cases our incentives
8 would be something lower than the incremental costs.
9 So if you go from 50 -- let's say the incremental
10 cost was \$500 and we gave a \$250 rebate, that \$500 is
11 included in the TRC cost as an incremental measure
12 cost. If you raise that incentive to \$300, the 500
13 still covers that \$300 of incremental measure cost.

14 Q. Great. Thank -- oh, so sorry.

15 A. So anything up to that \$500, yes, it is
16 going to cover that range.

17 MS. MOORE: Great. Thank you. I have no
18 further questions, your Honor.

19 JUDGE PRIDGIN: All right. Ms. Moore,
20 thank you. Mr. Brueggemann, thank you very much.
21 You may step down. And I believe Mr. Huber is the
22 next witness. And I understood we were going to take
23 Ms. Sherwood after Mr. Huber. Is that correct?

24 MS. MOORE: I believe -- I believe that
25 is correct, your Honor.

1 JUDGE PRIDGIN: All right. Very good.

2 Thank you.

3 MS. MOORE: And Mr. Huber is appearing
4 remotely.

5 JUDGE PRIDGIN: Oh, very good.

6 (Witness sworn.)

7 JEFFREY HUBER

8 the witness, having been first duly sworn,
9 testified as follows:

10 JUDGE PRIDGIN: Very good. Thank you.
11 Ameren Missouri.

12 MS. MOORE: Yes.

13 DIRECT EXAMINATION

14 BY MS. MOORE:

15 Q. Good afternoon, Mr. Huber. How are you?

16 A. Good. And you?

17 Q. Good. Thank you. Could you please state
18 your name for the record and spell it for the court
19 reporter?

20 A. Sure. My name is Jeffrey Huber, that's
21 J-e-f-f-r-e-y, Huber, H-u-b as in boy -- e-r.

22 Q. Mr. Huber, by whom are you employed and in
23 what capacity?

24 A. I'm a principal at GDS Associates, an
25 engineering consulting firm.

1 Q. And in this proceeding did you file direct
2 testimony which has been identified as Ameren
3 Exhibit 113?

4 A. Yes.

5 Q. Do you have any changes or corrections to
6 that testimony?

7 A. I do not.

8 Q. If I were to ask you the questions that
9 are contained in that testimony today, would your
10 answers be the same?

11 A. They would.

12 Q. And are the answers contained in that
13 direct testimony accurate and true to the best of
14 your knowledge?

15 A. They are.

16 MS. MOORE: Your Honor, I move Ameren
17 Exhibit 113 and tender Mr. Huber for direct testi --
18 or cross-exam.

19 JUDGE PRIDGIN: And, Ms. Moore, I'm
20 sorry, that's Mr. Huber's direct testimony. Is that
21 correct?

22 MS. MOORE: Yes. He only had direct
23 testimony, that is correct.

24 JUDGE PRIDGIN: Exhibit No. 113 has been
25 offered. Any objections? Hearing none, Exhibit 113

1 is admitted into evidence.

2 (Company Exhibit 113 was admitted and
3 made a part of this record.)

4 JUDGE PRIDGIN: And any cross-examination
5 from Renew Missouri?

6 MR. LINHARES: No, thank you, Judge.

7 JUDGE PRIDGIN: Thank you. Any cross
8 from NRDC?

9 MS. RUBENSTEIN: No, thank you, Judge.

10 JUDGE PRIDGIN: Cross from Staff?

11 MR. PRINGLE: No, thank you, Judge.

12 JUDGE PRIDGIN: Public Counsel?

13 MS. VANGERPEN: No, thank you.

14 JUDGE PRIDGIN: Any bench questions? All
15 right. Thank you. Mr. Huber, thank you very much.

16 **THE WITNESS: Thank you.**

17 JUDGE PRIDGIN: And I believe we're ready
18 for Ms. Sherwood. Is that correct? Ms. Rubenstein,
19 I believe, did you want to go ahead and direct for
20 your witness and get her ready for cross?

21 MS. RUBENSTEIN: Sounds great. She is --
22 will need to be sworn in and is also appearing
23 remotely.

24 JUDGE PRIDGIN: Very good.

25 (Witness sworn.)

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STACY SHERWOOD

the witness, having been first duly sworn,
testified as follows:

JUDGE PRIDGIN: Thank you very much.
Ms. Rubenstein, when you're ready.

DIRECT EXAMINATION

BY MS. RUBENSTEIN:

Q. Good afternoon, Ms. Sherwood. Could you please state your name for the record and spell it for the court reporter.

A. Good afternoon. Yes. My name is Stacy Sherwood. It is spelled Stacy, S-t-a-c-y, Sherwood, S-h-e-r-w-o-o-d.

Q. And where are you currently employed?

A. I'm employed with Energy Futures Group which is a consulting firm that specializes in energy efficiency and integrated resource planning.

Q. What is your business title at Energy Futures Group?

A. I'm a principal at Energy Futures Group.

Q. Did you prepare and cause to be prepared in this case your direct testimony?

A. Yes.

Q. And is the resume that is attached as Exhibit I believe NRD 1 to your direct testimony a

1 true and correct copy of your resume?

2 **A. Yes, it is.**

3 Q. Do you have any changes or corrections to
4 your prefiled direct testimony at this time?

5 **A. No, I do not.**

6 Q. If I asked you the questions in your
7 direct testimony at this time, would your answers be
8 the same?

9 **A. Yes, they would be.**

10 Q. And is the information in those answers
11 true and correct to the best of your knowledge?

12 **A. Yes, they are.**

13 MS. RUBENSTEIN: Your Honor, I move for
14 the admission of Ms. Sherwood's direct testimony in
15 this case. I believe it would be marked Exhibit 450.

16 JUDGE PRIDGIN: Ms. Rubenstein, thank
17 you. Exhibit 450 has been offered. Any objections?
18 Hearing none, Exhibit 450 is admitted into evidence.

19 (NRDC Exhibit 450 was admitted and made a
20 part of this record.)

21 BY MS. RUBENSTEIN:

22 Q. Ms. Sherwood, did you prepare and cause to
23 be prepared in this case your rebuttal testimony?

24 **A. Yes, I did.**

25 Q. Do you have any changes or corrections to

1 your prefiled rebuttal testimony at this time?

2 **A. No, I do not.**

3 Q. If I asked you the questions in your
4 rebuttal testimony at this time, would your answers
5 be the same?

6 **A. Yes, they would be.**

7 Q. Is the information in those answers true
8 and correct to the best of your knowledge?

9 **A. Yes.**

10 MS. RUBENSTEIN: Your Honor, I move for
11 the admission of Ms. Sherwood's rebuttal testimony in
12 this case to be marked Exhibit 451.

13 JUDGE PRIDGIN: Thank you. Exhibit 451
14 has been offered. Any objections? Hearing none,
15 Exhibit 451 is admitted into evidence.

16 (NRDC Exhibit 451 was admitted and made a
17 part of this record.)

18 MS. RUBENSTEIN: Thank you. And I'd
19 tender the witness for cross-examination.

20 JUDGE PRIDGIN: Ms. Rubenstein, thank
21 you. Any cross-examination, Ameren Missouri?

22 MS. MOORE: Yes, thank you, your Honor.
23 I just have a few quick questions.

24 CROSS-EXAMINATION

25 BY MS. MOORE:

1 Q. Ms. Sherwood, in your rebuttal testimony
2 on page 13 you talk about the weather assistance
3 program. I'm just wondering if you think that there
4 is sufficient funding to adequately address the needs
5 of Ameren's service territory for that program if the
6 MEEIA programs were not approved by the Commission?

7 A. No. As stated in my rebuttal testimony, I
8 don't believe that there is sufficient funding to
9 address the need that's within the state. What I had
10 reviewed, those who would qualify for weatherization
11 assistance, so those below the 200 percent federal
12 poverty level, you're talking over 300,000 homes
13 that would qualify in the entire state of Missouri,
14 so beyond just that of Ameren's. And on an
15 annual basis, the WAP program is funded to address
16 about 1,200 homes statewide, so there's a significant
17 gap in the level of funding available and the need
18 that's -- even just in Ameren's service territory.

19 MS. MOORE: Thank you. Your Honor, I have
20 no further questions.

21 JUDGE PRIDGIN: All right. Ms. Moore,
22 thank you. Any cross, NRDC?

23 MS. RUBENSTEIN: This is our witness,
24 Judge.

25 JUDGE PRIDGIN: I'm so sorry. Any --

1 you're right; I apologize. Any cross from Staff?

2 MR. PRINGLE: Not at this time, Judge,
3 thank you.

4 JUDGE PRIDGIN: Any cross from Public
5 Counsel?

6 MS. VANGERPEN: Yes. Just one minute,
7 Judge.

8 CROSS-EXAMINATION

9 BY MS. VANGERPEN:

10 Q. Good afternoon, Ms. Sherwood.

11 A. **Good afternoon.**

12 Q. Do you by chance have a copy of
13 Dr. Marke's surrebuttal testimony?

14 A. **I do not have that on me.**

15 Q. Okay. Is there a way for you to get a
16 copy of that?

17 A. **Let me -- I'm sorry, did you say rebuttal
18 or surrebuttal?**

19 Q. Sorry, surrebuttal.

20 A. **Thank you.**

21 Q. I can get a --

22 A. **Do you know what pages? I have some
23 pieces of that printed out actually.**

24 Q. In particular, page 26, table 4.

25 A. **I actually do have that.**

1 Q. Okay. Are you looking at that?

2 **A. Yes, I am.**

3 Q. Okay. You would agree with me that the
4 LIWAP program caps administrative -- administrative
5 costs at no more than 15 percent. Correct?

6 **A. I think that's dependent on the state, so
7 I will -- I will be in agreement subject to check.**

8 Q. Okay. And you would agree with me that
9 the historical administrative costs for Ameren
10 Missouri's similar program is approximately 48
11 percent. Is that correct?

12 **A. Can you clarify when you say admin design
13 to include marketing costs and EM&V?**

14 Q. No.

15 **A. And is that just of the program itself? I
16 apologize. I want to make sure I'm -- before I agree
17 to this, I agree to the correct 48 percent.**

18 Q. Yes, to this -- to this program.

19 **A. Then yes.**

20 Q. And you would agree with me that there's
21 no earnings opportunity associated with the LIWAP
22 program. Correct?

23 **A. That is correct.**

24 Q. But you would agree with me that there is
25 an earnings opportunity portion associated with

1 Ameren Missouri's proposed program. Correct?

2 **A. Correct.**

3 Q. And at maximum that's approximately \$11.4
4 million. Correct?

5 **A. Subject to check, yes.**

6 MS. VANGERPEN: Nothing further. Thank
7 you, Judge.

8 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
9 Did I overlook anyone who wanted cross? I may have
10 misread this list. Renew Missouri perhaps? I --

11 MR. LINHARES: No, thank you, Judge.
12 Thank you for checking.

13 JUDGE PRIDGIN: Very good. Thank you.
14 Any bench questions for this witness?

15 COMMISSIONER MITCHELL: Just one, Judge.

16 JUDGE PRIDGIN: Commissioner Mitchell,
17 when you're ready, sir.

18 QUESTIONS

19 BY COMMISSIONER MITCHELL:

20 Q. Yeah. I -- thank you for your testimony.
21 And you mentioned a significant gap in the
22 weatherization funding needs and I believe you. The
23 question I have is how far -- and you don't have to
24 be exact with this answer, but how far would the
25 weatherization component of this program go to close

1 that gap?

2 **A.** I don't know if I can quantify that off
3 the top of my head. I would say, you know, I've run
4 these numbers though in other states that I've worked
5 and the amount of money is astronomical, especially
6 if you're including barriered homes. And so while I
7 don't think it would significantly close the gap, I
8 think it's making a step towards closing that gap.

9 COMMISSIONER MITCHELL: Thank you. Thank
10 you.

11 JUDGE PRIDGIN: Commissioner Mitchell,
12 thank you. Any further bench questions? Hearing
13 none. Any recross based on bench questions? Ameren
14 Missouri?

15 MS. MOORE: Thank you. No, thank you,
16 your Honor.

17 JUDGE PRIDGIN: Renew Missouri?

18 MR. LINHARES: No, thank you, your Honor.

19 JUDGE PRIDGIN: Thank you. On behalf of
20 Staff?

21 MR. PRINGLE: Yes, Judge.

22 RE CROSS-EXAMINATION

23 BY MR. PRINGLE:

24 Q. Good afternoon.

25 **A. Good afternoon.**

1 Q. Just a follow up on Commissioner
2 Mitchell's question. Can the Company only offer a
3 weatherization program through MEEIA?

4 A. No. It would not be limited to only
5 MEEIA. There are -- there are other opportunities
6 that that could be offered that I've seen in other
7 states.

8 MR. PRINGLE: Thank you, ma'am. No
9 further questions, Judge.

10 JUDGE PRIDGIN: Thank you. Any cross
11 from Public Counsel?

12 MS. VANGERPEN: No, thank you.

13 JUDGE PRIDGIN: Any redirect?

14 MS. RUBENSTEIN: No, thank you, Judge.

15 JUDGE PRIDGIN: All right. Thank you.
16 Ms. Sherwood, thank you very much.

17 **THE WITNESS: Thank you.**

18 JUDGE PRIDGIN: I believe we are on to
19 Staff witnesses now starting with Jordan Hull.

20 MR. PRINGLE: That's correct, Judge. And
21 for Mr. Hull, this will be his first time taking the
22 stand so we'll be going through direct.

23 JUDGE PRIDGIN: Very good.

24 (Witness sworn.)

25 JORDAN HULL

1 the witness, having been first duly sworn,
2 testified as follows:

3 JUDGE PRIDGIN: Thank you very much, sir.
4 You may have a seat. Mr. Pringle, when you're ready,
5 sir.

6 MR. PRINGLE: Thank you, Judge.

7 DIRECT EXAMINATION

8 BY MR. PRINGLE:

9 Q. Good afternoon, Mr. Hull.

10 A. Hi.

11 Q. Please state and spell your name for the
12 record.

13 A. My name is Jordan Hull, J-o-r-d-a-n, last
14 name Hull, H-u-l-l.

15 Q. Thank you, Mr. Hull. And by whom are you
16 employed and in what capacity?

17 A. The Missouri Public Service Commission as
18 an associate engineer in the engineer -- or in the
19 energy resources division.

20 Q. And are you the same Jordan Hull that
21 caused to prepare direct testimony in this matter
22 premarked Staff Exhibit 219?

23 A. Yes.

24 Q. And at this time do you have any
25 corrections to make to --

1 **A. I do not.**

2 Q. -- Exhibit 219?

3 If I were to ask you the same questions
4 within Exhibit 219, would your answers be the same or
5 substantially similar?

6 **A. Yes.**

7 Q. And is the information contained in
8 Exhibit 219 true and correct to the best of your
9 belief and knowledge?

10 **A. Yes.**

11 Q. And did you also cause to prepare in this
12 proceedings rebuttal testimony?

13 **A. No.**

14 MR. PRINGLE: No. That's what I thought.
15 Just wanted to double check. Well, at this time
16 Staff moves to enter Exhibit 219 on the record.

17 JUDGE PRIDGIN: I'm sorry. This is
18 Mr. Hull's direct. Is that correct?

19 MR. PRINGLE: That is correct, Judge.

20 JUDGE PRIDGIN: Any objections to
21 Exhibit 219? Hearing none, Exhibit 219 is admitted
22 into evidence.

23 (Staff Exhibit 219 was admitted and made
24 a part of this record.)

25 MR. PRINGLE: Thank you, Judge. At this

1 time Staff tenders Mr. Hull for cross-examination.

2 JUDGE PRIDGIN: Mr. Pringle, thank you.

3 Any cross from Public Counsel?

4 MS. VANGERPEN: No, thank you.

5 JUDGE PRIDGIN: Renew Missouri?

6 MR. LINHARES: No, thank you. Thank you.

7 JUDGE PRIDGIN: Thank you. NRDC?

8 MS. RUBENSTEIN: No, thank you, Judge.

9 JUDGE PRIDGIN: Ameren Missouri?

10 MS. MOORE: No, thank you.

11 JUDGE PRIDGIN: Any bench questions? All
12 right. Hearing none. Mr. Hull, thank you very much.

13 **THE WITNESS: Thank you.**

14 JUDGE PRIDGIN: Ms. Stever is the next
15 witness. Is that correct?

16 MR. PRINGLE: Yes, Judge. And also
17 Ms. Stever, it'll be her first time so we'll be going
18 through direct.

19 JUDGE PRIDGIN: Thank you.

20 (Witness sworn.)

21 MARINA STEVER

22 the witness, having been first duly sworn,
23 testified as follows:

24 JUDGE PRIDGIN: Thank you very much. You
25 may have a seat. Mr. Pringle, when you're ready.

1 MR. PRINGLE: Thank you, Judge.

2 DIRECT EXAMINATION

3 BY MR. PRINGLE:

4 Q. Good afternoon.

5 A. Good afternoon.

6 Q. And please state and spell your name for
7 the record.

8 A. My name is Marina Stever, M-a-r-i-n-a
9 S-t-e-v as in Valentine -- e-r.

10 Q. Thank you, Ms. Stever. And by whom are
11 you employed and in what capacity?

12 A. I am employed by the Missouri Public
13 Service Commission as a senior research data analyst
14 for the tariff rate design department.

15 Q. Thank you, Ms. Stever. And are you the
16 same Marina Stever who caused to prepare in these
17 proceedings direct and rebuttal testimony that have
18 been premarked as Staff Exhibits 220 and 221?

19 A. Yes.

20 Q. Is the information -- do you have any
21 corrections to make to Exhibit 220 or 221 at this
22 time?

23 A. Yes. So to my direct testimony on page 2,
24 footnote 1, that should read ER-2024-0187. On my
25 rebuttal testimony page 2, footnote 2 should read

1 ER-2024-0187. And then I do have a correction to
2 Schedule MSD2 for the MEEIA Cycle 3 gross kilowatt
3 hours avoided.

4 Q. And what is that correction?

5 A. That number previously read 1,348,564,638
6 kilowatt hours avoided. And it should read one
7 million -- or 1,537,350,788 gross kilowatt hours
8 avoided.

9 Q. Thank you, ma'am. And do you have any
10 further additions or corrections to make at this
11 time?

12 A. No.

13 Q. And is the information contained within
14 the Exhibits 220 and 221 true and correct to the best
15 of your belief and knowledge?

16 A. Yes.

17 Q. If I were to ask you the same question
18 within Exhibit 220 and 221, would your answers be the
19 same or substantially similar?

20 A. Yes.

21 MR. PRINGLE: Thank you, Ms. Stever. At
22 this time, Judge, Staff moves to enter Exhibits 220
23 and 221 on to the record.

24 JUDGE PRIDGIN: Exhibits 220 and 221 have
25 been offered. Any objections? Hearing none.

1 Exhibits 220 and 221 are admitted into evidence.

2 (Staff Exhibits 220 and 221 were admitted
3 and made a part of this record.)

4 MR. PRINGLE: Thank you, Judge. At this
5 time Staff tenders Ms. Stever for cross-examination.

6 JUDGE PRIDGIN: Thank you, Mr. Pringle.
7 Any cross-examination from Public Counsel?

8 MS. VANGERPEN: No, thank you.

9 JUDGE PRIDGIN: Any cross from Renew
10 Missouri?

11 MR. LINHARES: No, thank you, Judge.

12 JUDGE PRIDGIN: NRDC?

13 MS. RUBENSTEIN: No, thank you, Judge.

14 JUDGE PRIDGIN: Ameren Missouri?

15 MS. MOORE: No, thank you, your honor.

16 JUDGE PRIDGIN: Any bench questions? All
17 right. Hearing none, Ms. Stever, thank you very
18 much.

19 **THE WITNESS: Thank you.**

20 JUDGE PRIDGIN: I believe Ms. Eichholz is
21 the next witness. I hope I'm pronouncing that
22 correctly.

23 MR. PRINGLE: Yes, that is correct,
24 Judge.

25 (Witness sworn.)

1 AMY EICHHOLZ

2 the witness, having been first duly sworn,
3 testified as follows:

4 JUDGE PRIDGIN: Thank you very much. You
5 may have a seat. Mr. Pringle, when you're ready.

6 MR. PRINGLE: Thank you, Judge.

7 DIRECT TESTIMONY

8 BY MR. PRINGLE:

9 Q. Good afternoon, Ms. Eichholz.

10 A. **Good afternoon.**

11 Q. Please state and spell your name for the
12 record.

13 A. **Amy Eichholz, A-m-y, E-i-c-h-h-o-l-z.**

14 Q. Thank you, Ms. Eichholz. And by whom are
15 you employed and in what capacity?

16 A. **The Missouri Public Service Commission. I**
17 **am a research data analyst.**

18 Q. And are you the same Ms. Eichholz who
19 caused to prepare in these proceedings direct and
20 rebuttal testimony that have been premarked as Staff
21 Exhibits 222 and 223?

22 A. **I am.**

23 Q. Do you have any corrections or additions
24 to make to Exhibits 222 and 223 at this time?

25 A. **I do not.**

1 Q. If I were to ask you the same questions
2 within Exhibits 222 and 223, would your answers be
3 the same or substantially similar?

4 A. Yes, they would.

5 Q. And is the information included in
6 Exhibits 222 and 223 true and correct to the best of
7 belief and knowledge?

8 A. Yes.

9 MR. PRINGLE: Thank you, ma'am. At this
10 time, Judge, Staff moves to enter Exhibits 222
11 and 223 on the record, the direct and rebuttal
12 testimony of Ms. Amy Eichholz.

13 JUDGE PRIDGIN: All right. Exhibits 222
14 and 223 have been offered. Any objections? Hearing
15 none, Exhibits 222 and 223 are admitted into
16 evidence.

17 (Staff Exhibits 222 and 223 were admitted
18 and made a part of this record.)

19 MR. PRINGLE: Thank you, Judge. At this
20 time Staff tenders Ms. Eichholz for
21 cross-examination.

22 JUDGE PRIDGIN: All right. Any cross-
23 examination from Public Counsel?

24 MS. VANGERPEN: No, thank you.

25 JUDGE PRIDGIN: Any cross from Renew

1 Missouri?

2 MR. LINHARES: No, thank you.

3 JUDGE PRIDGIN: NRDC?

4 MS. RUBENSTEIN: No, thank you.

5 JUDGE PRIDGIN: Ameren Missouri?

6 MS. MOORE: I just have a couple quick
7 questions regarding the tariff recommendations.

8 CROSS-EXAMINATION

9 BY MS. MOORE:

10 Q. In making those recommendations, is there
11 any other jurisdiction that puts that amount in
12 detail into the energy efficiency tariffs that you're
13 aware of?

14 A. **Not that I'm aware of.**

15 Q. All right. Thank you. And isn't it also
16 true or you would agree with me that the rider EEIC
17 appears as a line item on a customer's bill?

18 A. **Yes.**

19 Q. And so if a customer had any questions,
20 they could either call the Company or I think the PSC
21 number is on there too regarding the rider EEIC
22 charge and what goes into that. Is that correct?

23 A. **I'm not real familiar with the rider EEIC.**
24 **I mean, that would be something you may want to refer**
25 **to Mark Kiesling.**

1 MS. MOORE: Okay. Thank you. No further
2 questions, your Honor.

3 JUDGE PRIDGIN: Ms. Moore, thank you.
4 Any bench questions? Chair Hahn.

5 QUESTIONS

6 BY CHAIR HAHN:

7 Q. Good afternoon, Ms. Eichholz.

8 **A. Good afternoon.**

9 Q. Staff counsel earlier mentioned that you
10 had some concerns with the current income-eligible
11 programs, specifically the low-income programs. Can
12 you talk about that?

13 **A. Yes. Outside of MEEIA there's several**
14 **programs available for the low income as in the --**
15 **keeping current the critical needs program, the**
16 **rehousing, and weatherization. So, I mean, I'm not**
17 **saying MEEIA programs aren't a good thing, but -- and**
18 **the IRA. Regardless of the MEEIA program, there's**
19 **several programs available for the low income and**
20 **multi-family income.**

21 Q. And do those programs provide similar
22 opportunities for energy efficiency as the MEEIA
23 programs?

24 **A. They do, if not more.**

25 Q. In your testimony you also write about the

1 eligibility for the low-income programs and how you
2 weren't sure if because of the eligibility guidelines
3 and the MEEIA programs, if it was actually reaching
4 the low income because it was set at 135 to 200
5 percent of federal poverty level. Did you -- how
6 does that federal poverty level compare to other
7 low-income programs, or do you know?

8 **A. I'm not exactly sure.**

9 CHAIR HAHN: Okay. Does it -- okay.
10 Thank you.

11 **THE WITNESS: Thank you.**

12 JUDGE PRIDGIN: All right. Chair Hahn,
13 thank you. Any further bench questions? Hearing
14 none. Any recross based on these bench questions,
15 Public Counsel?

16 MS. VANGERPEN: No, thank you.

17 JUDGE PRIDGIN: Renew Missouri?

18 MR. LINHARES: No, thank you.

19 JUDGE PRIDGIN: NRDC?

20 MS. RUBENSTEIN: No, thank you.

21 JUDGE PRIDGIN: Ameren Missouri?

22 MS. MOORE: No, your Honor, thank you.

23 JUDGE PRIDGIN: Any redirect?

24 MR. PRINGLE: One moment, Judge.

25 Briefly, Judge.

1 REDIRECT EXAMINATION

2 BY MR. PRINGLE:

3 Q. Ms. Eichholz, Ameren questioned you about
4 other jurisdictions providing this much detail in
5 energy efficiency tariffs and you answered that you
6 were unaware. Just to clarify that answer, you are
7 not aware if other jurisdictions do include that much
8 detail or do not?

9 A. I'm unclear of the question, sorry.

10 Q. When Ameren asked you about the level of
11 detail to be included in the energy efficiency
12 tariffs, they asked about if there were other
13 jurisdictions that required that much detail. Your
14 answer was you were -- not to your knowledge. Just
15 to clarify, that answer covers not just whether the
16 detail is required, but is -- sorry, let me go ahead
17 and rephrase that for you.

18 To your knowledge you are not aware if
19 other jurisdictions require that much detail or not?

20 A. I guess I should rephrase that and say as
21 far as, like, the applications and everything that
22 are submitted do.

23 Q. Just one moment -- one moment,
24 Ms. Eichholz. Have you reviewed the tariff sheets in
25 other jurisdictions for energy efficiency?

1 **A. Yes, I have.**

2 Q. Was your review limited to income-eligible
3 tariffs?

4 **A. Yes.**

5 Q. Do you believe that more detail in a
6 tariff is better?

7 **A. I do.**

8 MR. PRINGLE: Thank you, Ms. Eichholz. No
9 further questions, Judge.

10 JUDGE PRIDGIN: All right. Mr. Pringle,
11 thank you. Ms. Eichholz, thank you very much. I
12 believe the next witness would be Mr. Kiesling. I'm
13 sorry, Ms. Eichholz, you can step down. I'm sorry.
14 Thank you. Okay. And, Mr. Kiesling, you're still
15 under oath.

16 (Witness previously sworn.)

17 MARK KIESLING

18 the witness, having been first duly sworn,
19 testified as follows:

20 JUDGE PRIDGIN: Anything before he stands
21 cross, Mr. Pringle?

22 MR. PRINGLE: Yes, Judge. This is
23 Mr. Kiesling's last time on the stand, so at this
24 time we would move to enter Exhibits 212, 213,
25 and 214. 212 is the direct testimony of

1 Mr. Kiesling, 213 is the corrected rebuttal testimony
2 of Mr. Kiesling, and 214 is the surrebuttal testimony
3 of Mr. Kiesling.

4 JUDGE PRIDGIN: Exhibits 212, 213,
5 and 214 have been offered. Any objections? Hearing
6 none, Exhibits 212, 213, and 214 are admitted into
7 evidence.

8 (Staff Exhibits 212, 213, 214 were
9 admitted and made a part of this record.)

10 MR. PRINGLE: Thank you. At this time
11 Staff tenders Mr. Kiesling for cross-examination.

12 JUDGE PRIDGIN: Thank you. Any cross,
13 Public Counsel?

14 MS. VANGERPEN: No, thank you.

15 JUDGE PRIDGIN: Any cross from Renew
16 Missouri?

17 MR. LINHARES: No, thank you, Judge.

18 JUDGE PRIDGIN: NRDC?

19 MS. RUBENSTEIN: No, thank you.

20 JUDGE PRIDGIN: Ameren Missouri?

21 MS. HERNANDEZ: No questions, thank you.

22 JUDGE PRIDGIN: All right. Thank you.

23 Any bench questions? Hearing none. Mr. Kiesling,
24 thank you very much. I believe Mr. Luebbert is next
25 to take the stand. And you are still under oath,

1 Mr. Luebbert.

2 (Witness previously sworn.)

3 J LUEBBERT

4 the witness, having been first duly sworn,
5 testified as follows:

6 JUDGE PRIDGIN: Mr. Pringle, anything
7 before he takes cross-examination?

8 MR. PRINGLE: Yes, Judge. This will be
9 Mr. Luebbert's last time on the stand for these
10 proceedings, so we would move to enter what have been
11 premarked as Exhibit 209 which is the public and
12 confidential direct testimony of J Luebbert,
13 Exhibit 210 which is the public and confidential
14 rebuttal testimony of J Luebbert, and Exhibit 211
15 which is the surrebuttal testimony of J Luebbert.

16 JUDGE PRIDGIN: All right. I have
17 Exhibits 209, 209C, 210, 210C, and 211 that have
18 been offered. Any objections? Hearing none,
19 Exhibits 209, 209C, 210, 210C, and 211 are admitted
20 into evidence.

21 (Staff Exhibits 209, 209C, 210, 210C,
22 and 211 were admitted and made a part of this
23 record.)

24 MR. PRINGLE: Thank you, Judge. At this
25 time Staff tenders Mr. Luebbert for

1 cross-examination.

2 JUDGE PRIDGIN: Any cross from Public
3 Counsel?

4 MS. VANGERPEN: No, thank you.

5 JUDGE PRIDGIN: Cross from Renew
6 Missouri?

7 MR. LINHARES: No, thank you.

8 JUDGE PRIDGIN: NRDC?

9 MS. RUBENSTEIN: No, thank you.

10 JUDGE PRIDGIN: Ameren Missouri?

11 MR. HOLTHAUS: None, thank you.

12 JUDGE PRIDGIN: Any bench questions?

13 COMMISSIONER MITCHELL: Just one, Judge.

14 JUDGE PRIDGIN: Commissioner Mitchell,
15 when you're ready, sir.

16 QUESTIONS

17 BY COMMISSIONER MITCHELL:

18 Q. I'm just following kind of lead from
19 counsel again. Can you speak to any concern on the
20 thermostat program?

21 A. I think I -- I caught you, but I just want
22 to make sure. You asked if I can speak to any
23 concerns on the thermostat program?

24 Q. Correct.

25 A. I can. I guess I should caveat that with

1 there may be others that can -- that can provide more
2 detail, just depending on the specific question, but
3 one of the concerns that I know that I have and that
4 I'm aware of is -- and we've talked about this a few
5 times during this hearing, about the timing of demand
6 reductions and the timing of that -- those reductions
7 as you're planning to move forward. As far as I'm
8 aware, the thermostat programs to date for Ameren
9 have been limited to summer events, so looking at
10 potentially reducing demand during a summer peak.

11 What we're looking at currently with the
12 MISO zone five PRA results and just kind of looking
13 at that seasonal construct going forward is an
14 increased importance on what peaks look like in each
15 of those four seasons. The thermostat program, you
16 know, the -- there's -- there may be some potential
17 there for winter. What that potential for -- but
18 that potential's obviously going to look different
19 than it -- than it would in the summer, and it would
20 also require kind of the ability to actually call
21 events during that time period. I think when you're
22 looking at spring and fall, the -- the weather that
23 occurs during those time periods is going to affect
24 what the -- what those hours are, and so that -- that
25 capability is also going to be fairly different than

1 what you're looking at for summer, potentially summer
2 reductions.

3 I know that one of the things that
4 Mr. Marke brought up in his testimony, and I can't
5 recall if Staff brought, you know, mentioned the
6 thermostat specifically in this manner, but one of
7 the things that Mr. Marke brought up -- or Dr. Marke,
8 I'm sorry -- was that with the amount of kind of
9 incentives that have been paid out for the existing
10 thermostats, that it might make sense to kind of
11 continue that residential demand response with those
12 existing assets in place already, even if the -- the
13 current application wasn't approved. And I do think
14 that there is -- there is some validity to looking at
15 some of that sunk cost for those assets that are
16 unlikely to drive the demand reductions that you
17 would have expected without kind of incentivizing
18 those ratepayers to go ahead and participate in
19 demand response on an ongoing basis. But also the
20 ability to kind of save -- not have additional
21 program expenditure to continue to kind of build that
22 until it makes more sense.

23 I think, you know, this -- this section of
24 the hearing is talking about programs, and I'd be
25 remiss to not bring up that it's really so important

1 for us to be designing these programs with a specific
2 end goal in mind. And I know that we've heard some
3 Ameren witnesses talk about, you know, their ability
4 and flexibility to kind of pivot some -- how some of
5 these programs will work, and there was some mention
6 of looking at demand response in seasons other than
7 summer. As we went through kind of the extension,
8 this last cycle extension, and I'll point out that
9 part of that stipulation was for the Company to be
10 required to look at what their capabilities for
11 demand response would be in seasons other than
12 summer, because we haven't seen that, and we see that
13 as an important aspect for planning going forward.

14 COMMISSIONER MITCHELL: Thank you.

15 JUDGE PRIDGIN: Commissioner Mitchell,
16 thank you. Any further bench questions? I think I
17 have just a few, Mr. Luebbert, and these are kind of
18 along the same lines I believe I asked Mr. Wills
19 earlier.

20 QUESTIONS

21 BY JUDGE PRIDGIN:

22 Q. Could any of the programs be offered at a
23 lower cost if the MEEIA cycle increased to five years
24 or so?

25 A. I hate to give answers that are so heavily

1 caveated, but unfortunately I'll have to this time.
2 I think the answer is programs could be offered at a
3 lower cost. Whether or not pushing a program out an
4 additional two years would do so is a possibility.
5 But I think what kind of the most important factor
6 that kind of has to be considered is what you're
7 achieving in doing so. And so, you know, even if --
8 if costs are comparable, if you're -- if you're
9 getting diminishing returns over that time period, it
10 may not make sense to do so. And again, and I know
11 I've mentioned this before, but the details around
12 that are so important.

13 And I think what we're seeing -- well, let
14 me -- can -- if you don't mind, can I take a step
15 back and just kind of explain what we've seen thus
16 far with MEEIA have been three year cycles. And --
17 and in the third cycle, there have been these
18 one-year extension kind of short-term, maybe a good
19 way to explain them are kind of bridge years, right.
20 But once that cycle is approved, the Commission and
21 the ratepayers are locked into what's within been
22 approved. And when the Company seeks near maximum
23 flexibility, but ratepayers and the Commission and
24 other stakeholders have very little, it can become
25 problematic.

1 And when we're talking about long-term
2 planning, I think it's important to consider how
3 rapidly things are changing within this electric
4 industry right now and over the last decade and what
5 is expected to happen over the next decade. So
6 extending or locking in not only ratepayers but the
7 Commission to what's been approved for five-plus
8 years can kind of bring its own challenges and its
9 own concerns that I know we haven't kind of fully
10 fleshed out, at least within this docket.

11 Q. Can you think of other changes that could
12 be made to this proposal that would decrease the
13 administrative or program costs?

14 A. I can. And I will -- I'm going to direct
15 you -- and I think this actually, it goes back to
16 something that -- that Chair Hahn was asking about,
17 about trying to figure out kind of which programs are
18 kind of optimal or the best programs. And I want to
19 direct you to a schedule that was attached to
20 Mr. Fortson's surrebuttal. And I think my attorney
21 has some if you want to hand those out.

22 MR. PRINGLE: Yes, Judge. I do have
23 copies of the schedule if the Bench would like a
24 copy.

25 JUDGE PRIDGIN: That would be fine.

1 Thank you.

2 MS. MOORE: I'm not following. Help
3 me --

4 MR. PRINGLE: Yeah, for everyone's --

5 MS. MOORE: Oh, I see the testimony that
6 corresponds to this?

7 MR. PRINGLE: Yes. This is from
8 surrebuttal testimony of Brad Fortson, which has been
9 entered onto the record as Exhibit 208.

10 JUDGE PRIDGIN: All right. Thank you.

11 THE WITNESS: So just to give some
12 context, we've been talking about kind of the
13 planning and trying to figure out which programs
14 would be best suited on a, kind of on a going-forward
15 basis. And the context here is we sch -- Mr. Fortson
16 attached this to his surrebuttal testimony, and it
17 was also attached in an email to Ameren a couple
18 months at least, I think it -- he describes the email
19 and kind of Ameren's response at that time in his
20 testimony. But it was a couple months before their
21 revised application.

22 And this is -- this is some of the
23 information that we were trying to walk through with
24 the Company so that we could understand exactly this
25 question, right. Where are the programs that are

1 going to derive kind of the most demand reductions
2 and time periods that matter the most. And so if
3 you'll let me, I'll kind of walk through kind of how
4 this was set up and what this is asking for. And I
5 think it really feeds into what -- what the Chair was
6 asking about, which is trying to identify kind of
7 those best performers.

8 So this first -- this first sheet or
9 first tab is asking for Ameren to identify target
10 hours. And so it looks like it is by year and it's
11 asking for winter, spring, summer, and fall; the
12 anticipated MISO capacity hours; the anticipated zone
13 five net peak load hours; and Ameren's anticipated
14 net peak load hours.

15 If you turn to the next page, this would
16 be the next tab. It's titled Identifying Target End
17 Uses. And if you see at the top in, I think it's in
18 orange text or yellow text it says, Then identify the
19 end uses with the most energy consumption that may
20 result in requiring supply-side expenditure.

21 And so it breaks this down by year,
22 month, day, and hour. And then it has a listing of
23 end-use categories. So, for example, residential
24 heating, residential cooling, residential cooking.
25 And there are -- you know, it -- it breaks it down

1 kind of by -- by end-use type but also class type.

2 And what this is trying to identify are what are
3 those measures that are driving some of that -- that
4 usage in these peak hours that we just talked about.

5 The next tab is -- it talks about
6 identifying avoidable costs associated with each of
7 those end use. And so kind of the intention of this,
8 I know that the majority of the sheets are left
9 blank, but that was because we were -- we were
10 providing it to Ameren and asking for them to kind of
11 fill it out and provide summary tables from there.
12 But if you'll see, it breaks this down by those, kind
13 of those end-use categories in trying to identify the
14 annual kWh avoided, what the average LMP of that --
15 that avoided energy would be by year, and then the
16 expected demand reductions winter, spring, summer,
17 and fall. And that would also need to be by year.

18 Like we were talking about, the, kind of
19 that timing and the longevity and the magnitude of
20 are of utmost importance -- utmost importance as
21 we're looking toward planning going forward. And so
22 this was trying to kind of identify is what are those
23 measures, what are those end uses that if we can
24 reduce some of that attribution to peak, there's a
25 possibility that we can avoid some of that

1 investment.

2 If you look at next tab, it's got a
3 summary and then that would break it down into kind
4 of residential, commercial and industrial costs and
5 benefits. And then a very important aspect of this
6 is the avoided investment and the return on equity
7 that would be associated with that for each of those
8 categories.

9 And then if you -- you look at the next
10 tab and then the following tab. So the next tab is
11 Costs, and it would have -- it would have a, kind of
12 a separate tab provided by measure that would sum up
13 to have this kind of cost summary tab. The following
14 tab is the benefits tab that kind of coincides with
15 that.

16 And so the thought process was provide us
17 with this detail based on -- so that we can start
18 looking at what are the programs that are going to
19 be -- that are going to drive the most energy savings
20 in each year and which years are they -- are those
21 savings happening and which -- which measures or
22 which mix of measures in those programs can drive
23 demand savings and in which seasons does that occur
24 and how long could that occur.

25 And then so that -- that last tab was

1 broken down by benefits. That would be looking at
2 the capacity results. Obviously we'd also have to
3 look at the actual locational marginal prices of
4 energy kind of as you went forward, but there are
5 projections for that as well. And so I think if you
6 used -- if you used reasonable estimates of that,
7 that can give you kind of a more transparent look at
8 what those -- what those projected benefits might be,
9 especially when you're -- when you're combining that
10 with a more transparent look at what that avoided
11 return on equity of an avoided plant would be and
12 identifying the years that that occurs in.

13 And then that would provide us with the
14 ability to kind of go through and look at, Okay, I
15 don't know what the exact number is, right, if there
16 are 30 programs. Okay. There are these measures
17 that are located within a single program that really
18 drive the result that's needed to avoid that
19 investment. Those are the ones to focus on. Those
20 are the ones that are going to be -- that have the
21 greatest potential to drive a ratepayer benefit and
22 maybe there's other some other ones that are -- that
23 are not very effective in doing so, but they're
24 driving costs. That's really what's needed to kind
25 of look at where are you getting the best bang for

1 your buck.

2 I know there was discussion about looking
3 at the TRC. I'd caution against that, especially
4 with the concerns that we've raised with all of the
5 inputs into those TRC calculations. The importance
6 is when does the savings occur, which year and which
7 season, and what are the costs that are to be
8 expected. Those costs are going to be very -- the
9 costs in total are going to be fairly certain, and
10 the benefits are going to be uncertain. And that
11 uncertainty drives up when you -- when you provide a
12 great deal of flexibility. And that's where we're
13 concerned.

14 So I do think that identifying those
15 best, kind of best performing programs and maybe
16 limiting those programs to measures that make sense
17 for the end goal that you're trying to achieve is of
18 utmost importance, but I think what we have with what
19 the Company's proposed is an inability to kind of
20 pinpoint that detail, and even if you could, the
21 underlying assumptions that led to that conclusion
22 are flawed.

23 JUDGE PRIDGIN: All right. Mr. Luebbert,
24 thank you very much. I don't think I have any
25 further questions. Any recross based on bench

1 questions? Public Counsel?

2 MS. VANGERPEN: Yes, just very briefly,
3 Judge.

4 RECROSS-EXAMINATION

5 BY MS. VANGERPEN:

6 Q. Good afternoon, Mr. Luebbert.

7 **A. Good afternoon.**

8 Q. You mentioned in your discussions I
9 believe with Commissioner Mitchell, Dr. Marke's
10 recommendation on the residential demand response
11 program. Do you remember that?

12 **A. I do.**

13 Q. You would agree with me that as part of
14 Dr. Marke's recommendations, he encouraged a bring-
15 your-own-thermostat approach. Would you agree with
16 that?

17 **A. It's been a while since I've read his**
18 **testimony. It wouldn't surprise me if he did mention**
19 **that, but I can't confirm it without kind of looking**
20 **through it again.**

21 Q. Okay. Would Staff have any objection to
22 allowing a customer to bring their own thermostat to
23 participate in the residential demand response
24 program?

25 **A. I'm going to -- my answer is going to be**

1 slightly caveated, but it's -- it's with good reason.
2 I think what you have to look at is what the cost of
3 incentivizing that bring-your-own-thermostat customer
4 would be compared to the benefits that you can
5 achieve through potential reduction in the PRA and
6 recognition that you actually need to have that
7 reduction occur in those peak hours. And so it's
8 really important for the Company to then kind of
9 have -- to implement the program in a way that
10 actually achieves that angle. But I think that is an
11 area that is -- it lends itself to being a relatively
12 low cost as far as what the incentives would be.

13 And I don't know what the administration
14 costs would be, but I do think that that's an area
15 that would -- that has the potential to kind of lend
16 itself to driving benefits that could outweigh costs.

17 MS. VANGERPEN: Thank you, Mr. Luebbert.
18 Thank you, Judge.

19 JUDGE PRIDGIN: All right.
20 Ms. VanGerpen, thank you. Any cross from Renew
21 Missouri?

22 MR. LINHARES: No. Thank you very much,
23 Judge.

24 JUDGE PRIDGIN: Thank you. Cross from
25 NRDC?

1 MS. RUBENSTEIN: No, thank you, Judge.

2 JUDGE PRIDGIN: Ameren Missouri?

3 RECROSS-EXAMINATION

4 BY MR. HOLTHAUS:

5 Q. I don't have any substantiative questions,
6 but I do have to ask. Mr. Luebbert, it looked like
7 that you were reading from something that was in your
8 lap when you were responding to either OPC or the
9 bench questions. Is that accurate or?

10 A. No.

11 Q. Is there anything up there in your lap?

12 A. No. My tie.

13 Q. Okay. Phone?

14 A. My phone's in my pocket.

15 MR. HOLTHAUS: Okay. Apologies. No
16 questions, Judge.

17 JUDGE PRIDGIN: Thank you. Any redirect
18 from Staff?

19 MR. PRINGLE: Yes, Judge.

20 REDIRECT EXAMINATION

21 BY MR. PRINGLE:

22 Q. Well, I guess just to follow up on those
23 Ameren questions, could that have been the schedule
24 you were walking us all through?

25 A. I don't think that I had it on my lap.

1 I -- I don't really know where -- I was thinking as I
2 was speaking, so maybe I looked down a couple times.
3 But no, I wasn't reading any anything.

4 Q. Thank you, Mr. Luebbert. And just to make
5 sure we have all of our acronyms defined in the
6 record, what is LMP?

7 A. Locational marginal price.

8 Q. And I guess what -- what is that?

9 A. Yeah. The locational marginal price is
10 the cost of energy for Ameren; it would be through
11 MISO. And when I refer to that, especially as it
12 relates to a -- an energy reduction for customers, it
13 would be looking at the LMP, specifically at the
14 Ameren load node. There are different nodes for all
15 of the Ameren's generators, and they have slightly
16 different locational marginal prices than the settled
17 load node.

18 Q. And then when it came to schedule BJF-S1,
19 you said that Staff sent this to Ameren Missouri?

20 A. We did. We sent this -- it was after the
21 initial application, but at least a couple months, if
22 not several months, before their amended application.
23 Their -- their response to Mr. Fortson is included in
24 his surrebuttal testimony, but essentially kind of
25 what the response boiled down to is that they didn't

1 get want to get into that level of granularity within
2 those -- the workshops that we were -- we were going
3 to have. They wanted to kind of keep things at a
4 high level and -- and talk to other stakeholders.
5 And that's -- like I said, it's detailed probably
6 more thoroughly in his testimony, but that -- that
7 was the context there.

8 MR. PRINGLE: Thank you, Mr. Luebbert.
9 One moment. Thank you, Mr. Luebbert. No -- I have
10 no further questions at this time, Judge.

11 JUDGE PRIDGIN: Mr. Pringle, thank you.
12 Mr. Luebbert, thank you very much.

13 **THE WITNESS: Thank you.**

14 JUDGE PRIDGIN: This looks to be a good
15 time to take hopefully a brief break before we get to
16 Dr. Marke. And then I think we also have maybe some
17 live testimony to take up after Dr. Marke. Is that
18 correct?

19 MS. HERNANDEZ: That's correct.

20 JUDGE PRIDGIN: And I believe that would
21 conclude the hearing if we can get that wrapped up
22 today hopefully. So we'll -- I'm showing it's just a
23 little bit after 3:20. Can we take a break until
24 about 3:35 and then -- and resume with Dr. Marke?
25 Anything from counsel before we take a break?

1 MR. PRINGLE: Yeah, Judge. Before we go
2 off the record, I just want to confirm -- I -- maybe
3 I missed marking it down but Staff Exhibits 200, 201
4 and 202, that's direct testimony of Justin Tevie, the
5 rebuttal testimony of Justin Tevie, and the
6 surrebuttal testimony of Justin Tevie. Just want to
7 make sure that's been entered on the record.

8 JUDGE PRIDGIN: It was my memory that we
9 did, but I -- I don't see it in my notes, which may
10 not be completely accurate. But no harm in offering
11 it and admitting it twice rather than not at all.
12 So --

13 MR. PRINGLE: That would be my
14 preference, Judge.

15 JUDGE PRIDGIN: -- Exhibits 200, 201,
16 and 202 which would be the direct, rebuttal, and
17 surrebuttal of Justin Tevie?

18 MR. PRINGLE: That is correct.

19 JUDGE PRIDGIN: All right. Any
20 objections to those Exhibits? Hearing none,
21 Exhibits 200, 201, and 202 are admitted into
22 evidence.

23 (Staff Exhibits 200, 201, and 202 were
24 admitted and made a part of this record.)

25 MR. PRINGLE: Thank you judge.

1 JUDGE PRIDGIN: Thank you. Anything
2 further before we take another break? All right. We
3 will be off the record until 3:35. Thank you. We
4 are off the record.

5 (Off the record.)

6 JUDGE PRIDGIN: All right. Good
7 afternoon. We are back on the record. I believe we
8 have Dr. Marke to take on the stand for cross. And
9 then we'll have another I guess live witness. And
10 then if I understand correctly, that will be the end
11 of the evidence. Is that correct? All right. And,
12 Dr. Marke, thank you, you're already on the stand.
13 You are already under oath.

14 (Witness previously sworn.)

15 DR. GEOFF MARKE
16 the witness, having been first duly sworn,
17 testified as follows:

18 JUDGE PRIDGIN: Anything, Ms. VanGerpen,
19 before he takes cross-examination?

20 MS. VANGERPEN: The only thing, Judge, is
21 that this will be Dr. Marke's last time on the stand.
22 So at this time I would move, I believe his testimony
23 has already been marked as 303 for his direct, 304
24 for his rebuttal, and 305 and 305 Highly Confidential
25 for his surrebuttal. But we would move to admit each

1 of those.

2 JUDGE PRIDGIN: All right. Any
3 objections? Hearing none, Exhibits 303, 304, 305,
4 and 305HC are admitted into evidence.

5 (OPC Exhibits 303, 304, 305, and 305HC
6 were admitted and made a part of this record.)

7 Anything further before he stands cross?
8 Sorry. Ms. VanGerpen, is he ready to take cross?

9 MS. VANGERPEN: Oh, I'm sorry.

10 JUDGE PRIDGIN: That's all right.

11 MS. VANGERPEN: Yes, we tender him for
12 cross. Sorry.

13 JUDGE PRIDGIN: Quite all right. Any
14 cross-examination from Staff?

15 MR. PRINGLE: Yes, Judge, thank you.

16 CROSS-EXAMINATION

17 BY MR. PRINGLE:

18 Q. Good afternoon, Dr. Marke.

19 A. **Good afternoon.**

20 Q. So I'm going to ask you a few questions
21 about the TRC. Does the TRC consider program costs?

22 A. **It considers overhead administrative costs
23 and the incremental costs associated.**

24 Q. And does the TRC --

25 MS. MOORE: I'm going to object based on

1 foundation. Are you talking -- could you lay a
2 foundation for that? We're been -- we have the
3 Company's TRC, we have TRC rules that we've referring
4 to all day. And so if you could just please lay a
5 foundation.

6 MR. PRINGLE: On cross?

7 MS. MOORE: Yes. What TRC are you
8 referring to? The TRC the Company prepared, the TRC
9 rules under the Commission? I don't have a frame of
10 reference to where in your -- you haven't told me
11 where in Mr. Marke's testimony and I don't -- I'm
12 just trying to figure -- I'm trying to follow along.

13 MR. PRINGLE: Yeah. This is the Company's
14 TRC with the -- yeah. This is the Company's TRC.

15 **THE WITNESS: Those are the costs.**

16 MS. MOORE: Well, then I'm going to object
17 again for asked and answered. Mr. Brueggemann was on
18 the stand and already provided testimony about the
19 Company's TRC.

20 JUDGE PRIDGIN: Mr. Pringle?

21 MR. PRINGLE: Mr. Brueggemann provided
22 his answers. Now I'm asking those questions of
23 Dr. Marke.

24 MS. MOORE: But Dr. Marke didn't make
25 those calculations; Mr. Brueggemann did.

1 JUDGE PRIDGIN: I'm going to overrule.

2 MR. PRINGLE: Thank you, Judge.

3 BY MR. PRINGLE:

4 Q. So, Dr. Marke, I think next thing I was
5 asking was does the TRC consider incentives costs?

6 A. No.

7 Q. Does the TRC consider TD costs?

8 A. No.

9 Q. Does the TRC consider EO costs?

10 A. It depends. It -- would be the answer.
11 So we're -- we're throwing around the TRC and the
12 calculations in a number of different ways. My
13 understanding is that Mr. Wills at one point
14 calculated -- he modified his testimony to include an
15 earnings opportunity element within the TRC to
16 provide that, and the Commission rules require that
17 in the IRP process. I will say that the IRP numbers
18 are different than what's in this application, and I
19 have not checked Mr. Wills' work papers surrounding
20 the earnings opportunity associated with that.

21 And what gives me pause about that is
22 we've had some issues over whether or not we're
23 talking about the base earnings opportunity versus
24 the additional incentives associated with the
25 earnings opportunity. I would also just stress that

1 when we're talking about the TRC, Mr. Bruegemeyer --
2 Brueggemann talked about a pre and a post TRC, and
3 that's true. But we also -- it's a matter of scale
4 when we talk about the TRC, so -- or any cost
5 effective test really. So each measure has a cost
6 effective test, each program has a cost effective
7 test, each -- the portfolio as a whole has a cost
8 effective test. And the underlying assumptions that
9 support that are moments in time.

10 So, you know, when we're talking about,
11 well, what is the difference between the baseline
12 SEER in an HVAC versus another more Energy Star
13 efficient HVAC, we're generalizing across the state
14 with a number when the reality of it is is that those
15 numbers vary con -- the cost of an HVAC varies
16 considerably in Jefferson City versus the city of
17 St. Louis versus Cape Girardeau, whether or not there
18 is enough contractors, you know, available within a
19 given area where there's market competition. If one
20 entity effectively owns all of the contract
21 implementation of HVAC, that's going to skew the
22 costs associated with products. These are the
23 challenges that we've had with making programs cost
24 effective and bringing down those overall payments.

25 So, I mean, I -- I would have serious

1 concerns about using any of the cost effective tests
2 as like the North Star for approving programs one way
3 or the other at this point.

4 MR. PRINGLE: Thank you, Dr. Marke. One
5 moment, Judge. Thank you, Dr. Marke. No further
6 questions at this time, Judge.

7 JUDGE PRIDGIN: Mr. Pringle, thank you.
8 Any cross from Renew Missouri?

9 MR. LINHARES: No, thank you, Judge.

10 JUDGE PRIDGIN: Thank you. Cross from
11 NRDC?

12 MS. RUBENSTEIN: No, thank you, Judge.

13 JUDGE PRIDGIN: Thank you. Any cross
14 from Ameren Missouri?

15 MS. MOORE: No, thank you, your Honor.

16 JUDGE PRIDGIN: Any bench questions? I
17 think I will have a few.

18 QUESTIONS

19 BY JUDGE PRIDGIN:

20 Q. And, Dr. Marke, these are kind of along
21 the same lines that I asked Mr. Luebbert and
22 Mr. Wills. Could any of these programs be offered at
23 a lower cost if the cycle length increased to five
24 years or any other time for that matter?

25 A. You might be able to shave some costs off

1 of having an assurance with a third-party implementer
2 for more than -- than three years than you otherwise
3 would say for like five years. There's some -- there
4 might be some savings associated with that. I say
5 might because as Mr. Luebbert talked about, you're
6 hitting diminishing returns each year that these
7 programs move forward.

8 Extending it five years -- our push back
9 about any large extension of a portfolio is, you
10 know, again, you know, we -- there's so much
11 uncertainty moving forward that if the Commission
12 grants a program for five years, six years, ten years
13 for example, then you are locking yourself in a
14 path-dependent position where we are stuck with that.
15 You know, a good example was Cycle 3. MEEIA Cycle 3
16 parties came together and came to an agreement with
17 Ameren Missouri and stakeholders and we stipulated to
18 a path forward.

19 We were not fortunate enough to do that on
20 the Evergy side. That case went to hearing and the
21 Commission approved a plan that was very different
22 than what was approved through the unanimous
23 stipulation with stakeholders in the Ameren case.
24 And the results of that I think is -- is reflected
25 in, you know, program performance if you look at how

1 it's played out.

2 So is there a path forward of making costs
3 cheaper by extending it. I think the way forward is
4 what I articulated which is let's have a bridge
5 program for a couple years that's light, that
6 effectively can utilize, you know, to the extent
7 possible where it makes sense with IRA funds. But
8 ultimately you're moving toward a statewide program
9 because the programs have to evolve. I mean, they --
10 that's where you're going to get your cost savings.
11 That's where you're going to get your economies of
12 scale. Absent that, I -- I struggle to see how these
13 programs are going to be cost effective each
14 additional year moving forward.

15 Q. Can you think of any other changes that
16 could be made to decrease the administrative or
17 program costs?

18 A. I mean, again it would be a statewide
19 program would minimize a lot of the overhead costs,
20 the administrative costs that we're talking about.

21 You know, I've got thoughts on -- on PAYS.
22 I know that the -- the -- that has been brought up a
23 couple times and its low TRC score. Context is
24 really important for why that program is singularly
25 unique and how that may or may not contradict with a

1 lot of our recommendations. Because at face value
2 you look at a program like that from a TRC
3 perspective and it's -- it's very low. However, my
4 testimony supports further, you know, support of the
5 PAYS program.

6 I would, you know, point the Commission to
7 my recommendations in terms of bulk buying and the
8 Fast Pass program and basically the lessons learned.
9 Again, we don't have confidence in the TRC ratios.
10 If the Commission moved forward with supporting
11 programs that were at -- in -- within the application
12 that are cost effective outside of the demand
13 response program, my fear is that you're going to run
14 into exactly what they're -- the Commission's auditor
15 said which is that it's a 90/10 split, effectively
16 that the IRA funds are dependent -- are moving
17 about 90 percent of -- or are responsible for
18 about 90 percent of the adoption and that Ameren
19 would only be responsible for 10 percent.

20 If you play that out, I mean, we are -- I
21 mean, I don't see how you can, with a straight face,
22 support the programs. I mean, that's just -- these
23 things are naturally occurring and given the
24 overwhelming amount of cost that we're spending on
25 overhead, the earnings opportunity, everything that's

1 associated with that comes into question. And if --
2 I think the i -- if -- if -- if we keep things as is
3 as what's being proposed, I think it's a very safe
4 assumption that we will have a contentious EM&V.

5 JUDGE PRIDGIN: All right. Dr. Marke,
6 thank you. I believe those are all my questions.
7 Let me see if we have any recross based on bench
8 questions. Any from Staff?

9 MR. PRINGLE: No questions, Judge, thank
10 you.

11 JUDGE PRIDGIN: Thank you. Any from
12 Renew Missouri?

13 MR. LINHARES: None, Judge, thank you.

14 JUDGE PRIDGIN: NRDC?

15 MS. RUBENSTEIN: No, thank you.

16 JUDGE PRIDGIN: Ameren Missouri?

17 MS. MOORE: No, thank you, your Honor.

18 JUDGE PRIDGIN: Any redirect?

19 MS. VANGERPEN: Yes, just briefly, Judge.

20 REDIRECT EXAMINATION

21 BY MS. VANGERPEN:

22 Q. Good afternoon, Dr. Marke.

23 A. Good afternoon.

24 Q. You, in your discussions with the Judge
25 just mentioned the PAYS program and you mentioned

1 that context is important when it comes to PAYS. Can
2 you explain what you meant by that statement?

3 A. So PAYS is an on-tariff financing program.
4 It's singularly unique. We came across the program
5 because it was successful in dirt poor co-ops
6 effectively. Programs -- a utility like that, it's
7 very difficult to promote energy efficiency for a
8 variety of reasons. The PAYS program worked in that
9 context. We started exploring that sometime in the
10 middle of Cycle 2 and had discussions around rolling
11 out a PAYS program for Ameren Missouri. And it was
12 ultimately and agreed-to part of Cycle 3.

13 And the rationale behind was it a larger
14 looming question we had within the context of MEEIA,
15 which is what do we do now that the light bulbs are
16 done. And the only answer is, like, well, we've got
17 to figure out how to capture more demand savings,
18 more deep savings and that effectively comes down to
19 HVACs. So HVACs were the PAYS -- well, the -- the
20 challenge with HVACs versus light bulbs should be
21 somewhat obvious. There's no middleman effectively
22 that's required to go ahead and change out a light
23 bulb, you know, jokes aside. HVAC is much more
24 difficult and it's a huge capital investment for a
25 lot of people. Most people don't have 10,000-plus

1 dollars of disposable income that they can just go
2 ahead and throw at an air conditioner and say, Hey,
3 my air conditioner's not dead yet, but this one's an
4 Energy Star and it might save me a few bucks over the
5 life of it.

6 In fact, we had Jigar Shah who is the
7 USDOE's director for their loan program, the energy
8 loan program; it's billions and billions of dollars.
9 Was a keynote speaker for the Missouri -- one of our
10 Missouri statewide energy efficiency programs. And
11 Mr. Shah said, and I've been able to verify this,
12 that effectively 85 percent of all HVACs, replacement
13 takes place upon failure. And again, that makes
14 intuitive sense to me. Most people don't think about
15 their HVAC until it's not working. And at that
16 point, they're largely at the mercy of whatever
17 contractor is there and how hot it is. As a result,
18 it makes, from a MEEIA perspective, extremely
19 difficult to go ahead and move energy-efficient
20 products outside of that small window.

21 So PAYS was our answer to that. PAYS was
22 our answer to go ahead and do financing. But I say
23 context was important because a number of things
24 happened. So as soon as we rolled out PAYS, what
25 happened. Well, we hit COVID-19. We had a year of

1 programs that just stalled out because nobody could
2 get in and do the audits of homes. Shortly
3 thereafter, PACE financing got a lot of attention.
4 And the PACE was on the John Oliver show. And
5 Missouri was centered a brown PACE and the problems
6 that were associated with PACE. But PACE sounds an
7 awful lot like PAYS, so we had a lot of customer
8 confusion around that.

9 And then I had my own experience with
10 PAYS. So two years into the program, I decided, you
11 know, I was going to have my father participate in
12 PAYS. So I got on the Ameren website and called up
13 the number that was listed there. And the operator
14 effectively on the other side had no idea what I was
15 talking about. So the program, you know, was on
16 the -- on the utility's website for two years with a
17 number that didn't actually correspondence to setting
18 up times with PAYS.

19 All that was brought to attention and, you
20 know, things -- things moved, but we had issues
21 effectively in terms of scaling it up and ultimately
22 the audits that were involved. So PAYS deals -- PAYS
23 works like this. Contact the Company and say that
24 you're interested in having an audit, an energy
25 audit. They have a blow door test that actually

1 takes place on the premise. And you look at what --
2 it's incumbent upon those PAYS implementers then to
3 find out what's the most cost effective way for
4 savings to materialize for you. So instead of trying
5 to up sale you with just -- with a measure or saying
6 that, well, the HVAC by itself is going to increase
7 all of your worries, the blow door test actually
8 looks at the whole home, where leakage is taking
9 place, how that ductwork works. All of that results
10 in more cost-effective savings in theory moving
11 forward.

12 In practice what we got was a lot of what
13 I would characterize as sort of three levels of
14 customers. The first customer, type of customer is
15 very similar to what my sister-in-law is. Extremely
16 energy efficient. You know, she came in for
17 Christmas break and was telling me about the energy-
18 efficient windows that she had. And I can't stop
19 from thinking there's like, Well, you're hitting
20 diminishing returns adding on Energy Star everything.
21 The window savings that you would get are -- are very
22 minimal because everything else is sealed tight, just
23 a regular window would work.

24 Well, PAYS helps eliminate that, minimize
25 that. What we got was a lot of people that wanted to

1 do this audit that were already really efficient.

2 There were no additional savings to be made from it.

3 And then we had the other extreme. We had
4 people that just had, for lack of a better word, I'll
5 say toxic homes. They had, you know, asbestos tape,
6 you know, set up. They had stuff where effectively
7 if we did a blow door test, we might disrupt the
8 continuity or the integrity of the house and open it
9 up to all sorts of legacy toxic materials that could
10 cause harm. So we can't do the audit. Well, each
11 one of those has costs. We had to send out an
12 implementer to go look at that stuff.

13 And then you've got that third category
14 which is everybody else. So the -- the home is still
15 functional, but it's not efficient. Well, that's a
16 matter of marketing and advertising that just really
17 hasn't happened to date. And then you run into the
18 problem that most people, again, you know, this is --
19 it's a trust factor. And quite honestly if there's a
20 degree of skepticism that you get from, you know,
21 whether the utility will materialize an actual
22 savings or not. Again, another reason to promote a
23 statewide program that is divorced from the utility.

24 I could go on. I mean, like, the list
25 of -- the litany of things that plagued this program

1 is long. And the -- I'll agree a hundred percent,
2 the TRC values are awful. The problem with it is if
3 you do away with this program, if you do away with
4 having an on-tariff financing program with the
5 consumer protections in place, because that's the
6 real critical key; that's why PACE had as many
7 problems as it did is because implementers were going
8 in and making promises that they couldn't support.

9 The liens on the house element, you know,
10 presented an additional hurdle for specific -- and
11 let me be real clear. I think PACE can work,
12 absolutely. It's just you had some bad actors
13 involved in this. Well, it was -- it was very clear
14 to us that our office didn't want to have any
15 association with bad actors implementing a program
16 that we supported. That's why we had the consumer
17 protections in place.

18 What has driven the challenge behind this
19 is that the measures themselves have increased so
20 much in cost. Part of that's due to inflation. Part
21 of that's due to supply chain constraints following
22 COVID-19. But a lot of that has to do with
23 consolidation of this industry.

24 So what you had was if you look at the
25 number of like, mom-and-pop HVAC companies out there,

1 they're effectively getting gobbled up by larger
2 entities. And as you have less market competition,
3 it's driving the cost up, you know, that's available.
4 All of this has an impact, again, which could be
5 minimized if we went to a statewide program.

6 You take away PAYS, you're taking away the
7 opportunity to try to reach the customers that we
8 want to reach, effectively the vast majority of
9 Ameren Missouri customers that don't have huge
10 capital investments just sitting in their -- their
11 wallet that they can throw at something. That we're
12 largely dependent on just doing a rebate program and
13 then following up and seeing whether or not that
14 influence was directed because of the IRA funds or
15 not. And I think it's very clear if you go down that
16 path, you're going to get a very low net-to-gross
17 ratio that's not going to justify all of the work and
18 all of the time that's required of proper regulatory
19 oversight and from the Company's perspective of
20 implementing this in a meaningful manner.

21 So it -- there's a pull-push on everything
22 that you do, you know. That -- that is the problem
23 with MEEIA is that it's all interdependent with each
24 other. So if what I'm saying comes across as
25 sometimes circular logic, it's because it is. It is

1 a challenge. And there are -- again, my testimony
2 articulates a way forward that I hope the Commission
3 strongly considers.

4 Q. And, Dr. Marke, just to follow up on your
5 discussion with PAYS, you have made a recommendation
6 to tweak PAYS a bit for this case. Is that correct?

7 A. That is correct.

8 Q. And would that change, would that help to
9 make the program work a little bit better?

10 A. Oh, gosh, yes. I mean, I said before 85
11 percent of -- of HVACs are taking place upon --
12 replacement upon failure. My recommendation is to
13 implement something called the Fast Track program,
14 which would effectively try to get those customers at
15 the point of failure to introduce that energy-
16 efficient option. And that would be tied back to,
17 you know, properly citing it and the audit associated
18 with that.

19 The other avenue there, you know, quite
20 frankly is bulk buying. There's -- there's a process
21 there. I mean, if you want to put the programs work,
22 you gotta figure out a way to make these measures
23 cheaper. We have economies of scale with bidding
24 powers. My God, we do that in all sorts of settings.
25 There -- there is a real value in that. There's a

1 reason why Ameren is able to go ahead and attract
2 capital cheaper than a smaller investor-owned utility
3 like a Liberty Utilities. You know, it's got
4 one-tenth of the customers. You know, and there's a
5 variety of reasons for that.

6 But -- but my point being is that there
7 are -- there's value in economies of scale. Absent
8 that -- yeah, I just -- it's frustrating for my --
9 from my perspective because if we do want to move
10 forward with valuing demand-side management, there
11 are either market alternatives that we can lean on
12 like ARCs. There are federal initiatives that are
13 out there. Or there's a path forward that is more
14 consolidated, that can lean on economies of scale and
15 use that bidding power to go ahead and bring the
16 overall cost down. But it probably will require
17 legislative changes that, you know, again, if -- if
18 the Commission is interested and that's something,
19 you know, the direction we could get from the
20 Commission sooner rather than later will certainly
21 help.

22 Q. Thank you, Dr. Marke. I want to switch
23 gears just a bit. You've mentioned several times a
24 bridge program. Could you explain what you mean by
25 the bridge program?

1 A. So I'm going to make an analogy for you.
2 Think of it just -- we'll use medical terms here.
3 We'll just say that we've got somebody that isn't
4 particularly healthy. There are -- the bridge
5 program is a two-year program that's effectively a
6 lighter version of what the Company has offered.
7 It's trimmed of the fat without betraying the
8 long-term objective of trying to make energy
9 efficiency work for everyone, including
10 nonparticipants.

11 The analogy that I give is, you know,
12 think of three different interventions that you could
13 use to go ahead and make your body feel better if
14 it's getting worse. And I would say demand -- demand
15 response, the business demand response, the
16 residential demand response is -- is an immediate
17 reaction. That's -- that's the equivalent of like
18 taking Advil or Tylenol to go ahead and deal with --
19 with the headache. It deals with that peak issue for
20 a moment, but long term, you just can't keep using
21 that. You probably need some lifestyle changes. And
22 that's where energy efficiency comes in.

23 So you could have those lifestyle changes,
24 and they could be born, you know, either behaviorally
25 or, you know, through actual measures that you could

1 put in place. That's a long-term projection. That's
2 a long-term approach to things.

3 And then you have Time of Use rates. We
4 could just price things correctly, you know. And
5 that's -- I would characterize that as more of a diet
6 where we're looking at caloric intake. Just pricing
7 energy in line with the actual cost of service and
8 its impact on -- on rates has shown to be extremely
9 cost effective. TRCs of ten to one.

10 If I'm valuing it on an equivalent basis,
11 I think you have to look at all three of those
12 options moving forward to address that.
13 Unfortunately the way things are structured right now
14 is preventing us from doing that. I think, you know,
15 having an open and honest dialogue about what
16 demand-side management looks like going forward
17 starts with exploring the idea of the statewide
18 program and taking it from there.

19 Q. So just so the record's clear, would you
20 recommend that bridge program if we were not moving
21 towards a statewide program?

22 A. No. I mean, what's the point. Just
23 lowering the budget of -- of our overall program on
24 just cost-effective measures, I mean, yeah, that's I
25 guess better than keeping it as programs that are --

1 that are clearly not cost effective or bad. But as I
2 talked about with the PACE program, I think that TRC
3 is misleading in terms of its potential. And we've
4 got market potential studies that have done on PAYS
5 that have shown that the potential really is there,
6 you know, if it's done correctly.

7 Now, just lowering the budget and then
8 being subject to the whims of what takes place with
9 the IRA just decreases your ability to accurately say
10 that we're actually deferring anything meaningful.
11 So again, if, you know, it's the appetite of the
12 Commission I guess is what I would say. If you want
13 to pursue this, I think it requires a good hard look
14 at what we're doing and how we can modify it. If
15 not, if the option on the table is just what the
16 application is, then I can't in good consciousness
17 support that.

18 MS. VANGERPEN: Thank you, Dr. Marke.
19 Nothing further, Judge.

20 JUDGE PRIDGIN: Thank you. I think I'm
21 going to have just a couple of follow-up questions.

22 QUESTIONS

23 BY JUDGE PRIDGIN:

24 Q. Dr. Marke, are you aware of any on-bill
25 financing programs across the country that have been

1 more successful than PAYS?

2 A. I think PAYS has been successful in other
3 places and I think there's no reason why PAYS can't
4 be successful here. I've articulated some of the
5 challenges that have arisen out of PAYS, but those --
6 again, we modify and we learn.

7 As far as other on-bill -- on-bill
8 financing which is different than on-tariff
9 financing, that's an important distinction, I think
10 PACE, depending on who you ask, has a mixed track
11 record and that also extends beyond energy efficiency
12 upgrades. You know, that's -- a lot of that has to
13 deal with rooftop solar.

14 The program where I have seen some success
15 has been Spire's financing program with their energy
16 efficiency programs has had limited -- I mean, again,
17 like, you're -- Spire's energy efficiency programs
18 are a rounding error relative to, like, what we're
19 talking about with Ameren.

20 I -- I don't think that there is a
21 particularly good model right now. And I can't -- I
22 can -- I -- I have looked. I mean, I can't find
23 another more consumer-friendly model than PAYS. The
24 low interest rate, the 80 percent rule that guarantee
25 savings, you know, or that -- that is designed to

1 guarantee savings; I should air quote that.

2 Those consumer prosecutions are in --
3 critically important. And my concern is if the
4 Commission moves forward with a different financing
5 model and it doesn't work, we don't have those
6 consumer protections, look no further than that John
7 Oliver show where he had, you know, an hour and a
8 half on cable TV highlighting the challenges of
9 Missouri. You know, I get that that's -- it's biased
10 and it's talking about a moment in time, but that's
11 all it takes to color the perception a lot of times.

12 Q. Instead of an on-bill financing program,
13 might some sort of on-bill repayment program be more
14 cost effective? A program wherein the utility's just
15 collecting the loan repayment and not providing the
16 capital?

17 A. I mean, I struggle with how that's
18 different than we've -- we're offering, you know.
19 The utility's able to earn a little bit, you know, in
20 terms of the interest that's associated with that,
21 but we've arguably kept that artificially low to
22 reflect our ability to move these products. I --
23 again, I -- I -- I'm not opposed to different ideas
24 and I think that it's worth having an active dialogue
25 about. I would point out that we have now programs

1 of PAYS across the state and are modifying it as we
2 speak.

3 If -- again, if the difference is between,
4 you know, what's being applied in this application
5 versus -- you know, we're not in support of the
6 application even with the PAYS program. But if you
7 move forward with something, I strongly recommended
8 you don't throw out PAYS. I -- you've -- you gotta
9 figure out a way to address the residential sector
10 and the vast majority of customers that just don't
11 have the capital for these measures.

12 JUDGE PRIDGIN: All right. Thank you,
13 Dr. Marke. I think those are all the questions I
14 have. Any recross based on those additional bench
15 questions from Staff?

16 MR. PRINGLE: No questions, Judge, thank
17 you.

18 JUDGE PRIDGIN: Thank you. Renew
19 Missouri?

20 MR. LINHARES: No questions.

21 JUDGE PRIDGIN: NRDC?

22 MS. RUBENSTEIN: No, thank you.

23 JUDGE PRIDGIN: Ameren Missouri?

24 MS. MOORE: None, your Honor, thank you.

25 JUDGE PRIDGIN: Any redirect?

1 MS. VANGERPEN: Just very briefly, your
2 Honor.

3 REDIRECT EXAMINATION

4 BY MS. VANGERPEN:

5 Q. Dr. Marke, just to clarify you mentioned
6 Spire's efficiency programs and you mentioned that
7 those were a rounding error. Could you explain why
8 that is?

9 A. Spire doesn't have a MEEIA. Spire's
10 energy efficiency programs -- Spire doesn't get lost
11 revenue adjusted for their energy efficiency
12 programs. Spire doesn't get an earnings opportunity
13 associated with their programs. Spire does have --
14 I -- for the -- for the size and the dollar amount
15 that Spire has, I think it's a well-run program.

16 But the obstacles with Sp -- with the
17 natural gas company versus the electric company
18 should be pretty obvious in that the whole premise
19 behind MEEIA is that we're avoiding future costs,
20 future build out at generation, future transmission
21 and distribution. We're not avoiding a future gas
22 plant, right. It's -- there's just different
23 economics associated with that.

24 The Spire programs as a result, you know,
25 and we've contested the Spire programs in rate cases

1 before, but ultimately we have settled out with
2 parties and have made sense I think with programs
3 that make sense given the context of what Spire's
4 attempting to do. And again, to their credit I think
5 they've been very receptive to our feedback and have
6 done well.

7 MS. VANGERPEN: Thank you. That's all I
8 have. Nothing further. Thank you.

9 JUDGE PRIDGIN: Ms. VanGerpen, thank you.
10 Dr. Marke, thank you very much. You may step down.
11 And I believe that's the end of the witnesses we have
12 on our list of witnesses, but we have one witness
13 that is going to provide life testimony. Is that
14 correct?

15 MS. HERNANDEZ: That's correct. Ameren
16 Missouri would call Timothy Via.

17 JUDGE PRIDGIN: All right. Mr. Via, if
18 you'll come forward and you've already been sworn.

19 MS. HERNANDEZ: Via. Sorry. I always
20 mispronounce his name. Mr. Via. And he was sworn,
21 he's testified before, so I don't know if he needs to
22 be resworn.

23 JUDGE PRIDGIN: You're still under oath,
24 so you may have a seat.

25 (Witness previously sworn.)

1

TIMOTHY VIA

2

the witness, having been first duly sworn,

3

testified as follows:

4

JUDGE PRIDGIN: Ms. Hernandez, when

5

you're ready.

6

DIRECT EXAMINATION

7

BY MS. HERNANDEZ:

8

Q. Can you please explain what the 11-step

9

process is?

10

A. Yes. So the 11-step process was

11

implemented as part of our MEEIA 3 programs to make

12

things more efficient when we have to make changes.

13

As I mentioned earlier, through that -- that process

14

is a collaboration process with Staff and OPC and

15

other -- other stakeholders as well so we don't --

16

wouldn't have to make tariff changes or whatnot. So

17

it increases flexibility and not have to be bogged

18

down by a more cumbersome process.

19

Q. Okay. What do you do when you're

20

proposing like a process or an incentive amount

21

change through the 11-step process?

22

A. Eleven-step process, it -- obviously it

23

includes 11 steps, therefore, the name of it, but I

24

guess to summarize, we work with our implementation

25

contractors and they may offer up an incentive

1 increase to help influence or gain additional
2 participation. If -- that means we look at that, we
3 look at -- we send the information, we share that
4 with our evaluators to get their opinion. So we look
5 internally with our portfolio and the cost of our
6 portfolio to get that. We look at what changes would
7 have to be made on our website. So there's a long
8 list of process that we go through.

9 And eventually what we do, we will present
10 that to stakeholders. So we would present that out
11 and we normally follow up with calls with the
12 stakeholders and see if they're on board. As I
13 mentioned through MEEIA 3 -- MEEIA 3 Cycle, we've
14 had 28 such 11-step processes we went through, all of
15 which we've come with agreement with stakeholders and
16 moved forward with those. We -- we do not have any
17 instances where there was a disagreement with
18 stakeholders, and we still went through with the
19 process.

20 So it's a collaborative process, but as I
21 said before, it minimizes the resources needed to
22 make those corrections. If we -- outside of that if
23 you think back to before that process with MEEIA 2,
24 we make an incentive change, we would have had to go
25 through a change that would update the whole process.

1 It would have to be filed, and then that file would
2 take time. It would have to go through the process
3 of getting Commission approval and whatnot.

4 So it -- if you think on it, during this
5 MEEIA cycle, probably every -- every month and a half
6 to two months you would have had to be ruling on
7 something like an incentive change. And that's why
8 we have incentive range that we've identified in our
9 plan -- in our plan in Appendix D.

10 Q. And do you have a copy of Mr. Kiesling's
11 changed rebuttal testimony?

12 A. No, I do not.

13 MS. HERNANDEZ: May I provide him a copy,
14 Judge?

15 JUDGE PRIDGIN: You may.

16 THE WITNESS: Thank you.

17 BY MS. HERNANDEZ:

18 Q. And if you could look at page 7, in
19 particular the lines 14 through 17 of the changed
20 testimony.

21 A. Okay.

22 Q. And it talks -- well, it reads, The
23 11-step process as currently constructed is a
24 notification process that defers to the Company's
25 discretion for changes. Stakeholders can provide

1 feedback, but the Company isn't obligated to
2 incorporate any stakeholder feedback.

3 Do you agree with Mr. Kiesling's statement
4 in his changed testimony?

5 **A. I'm not seeing what you're reading, so I'm**
6 **not --**

7 Q. Oh.

8 **A. I think what I have is the actual**
9 **testimony, not the --**

10 Q. Oh, you have his -- I'm sorry. I'm going
11 to hand him -- I handed him the old version, not the
12 corrections. So you can -- do you want to keep that?
13 Those are the changes.

14 **A. Okay.**

15 Q. I apologize. So on that document it talks
16 about a change to Mr. Kiesling's testimony at page 7,
17 line 14 through 17.

18 **A. Correct.**

19 Q. And that's the change I just read. If you
20 need to take a moment to look at that.

21 **A. Okay.**

22 Q. Just let me know when you're ready.

23 **A. I'm ready.**

24 Q. Okay. My question is do you agree with
25 the statement that Mr. Kiesling is making in his

1 changed rebuttal testimony?

2 **A. No. I do not agree with that. As I**
3 **stated, we've had 28 such 11-step processes during**
4 **MEEIA 3, and we've always come up with agreement with**
5 **stakeholders, many of those them agreeing to what we**
6 **originally stated in the stakeholders, but we do keep**
7 **consideration of their feedback. And if they have**
8 **questions, we may go back and get additional detail**
9 **to help support or to answer any questions that they**
10 **may have.**

11 **Q. Do you involve Staff and OPC in**
12 **the 11-step process?**

13 **A. Yes, I do. Or we do.**

14 **Q. And have you ever moved forward on**
15 **an 11-step process without an agreement from Staff**
16 **and OPC?**

17 **A. No, we have not.**

18 **Q. Could you please explain some of**
19 **the 11-step process changes that have occurred during**
20 **the MEEIA Cycle 3 through 2023?**

21 **A. Yes. We've had various changes. We**
22 **had -- give you an idea. We had a change with**
23 **business social services program where we wasn't**
24 **getting uptake in HVAC for that program, so we made**
25 **an incentive change or we requested an incentive**

1 change through the 11-step process where we increased
2 the incentive for that to gain additional
3 participation by -- by customers to participate in
4 the program and make those upgrades to the program.

5 Also would like to point out, I mentioned
6 earlier that we had a similar process, 11-step change
7 within our multi-family income-eligible program with
8 we lowered the incentive because we thought the
9 incentive was too rich. So that give you an i --
10 that just gives you a context that some of the
11 incentive could be high, some could be low, lowered
12 to meet the participation level for the customer
13 participation.

14 Q. And do you make those changes to maintain
15 a level of continuity in the programs so customers
16 can participate?

17 A. Can you repeat that please?

18 Q. Do you make those changes so that there
19 can be a continuation of the program and customer
20 participation in those programs?

21 A. Yes, we do.

22 Q. If the Commission adopts Staff's
23 recommendation and rejects the 11-step process and
24 requires the incentive amount for each measure
25 available through each program to be on -- in a

1 tariff, in your opinion what would Ameren Missouri
2 need to do to change the incentive amount?

3 **A. We would have to make a tariff filing for**
4 **each of those changes as I mentioned. Each -- each**
5 **one of the 11 steps we did that we -- that I**
6 **mentioned in the 28 was not all incentive changes,**
7 **but the majority of them was incentive changes. So**
8 **we would actually have to file that new tariff change**
9 **and get that approved.**

10 Q. And currently how long does an 11-step
11 process take to complete?

12 **A. Normally takes less than like -- well,**
13 **from the time we initiate and provide it to Staff**
14 **until we would make the change is normally like**
15 **roughly ten days I think.**

16 Q. And do you have an opinion on how long it
17 would take to change an incentive amount if you
18 needed to file a tariff change each time?

19 **A. It probably would take over two months.**

20 Q. And during that two months, what would
21 happen to that program while Ameren Missouri was
22 waiting on a decision on the tariff change from the
23 Commission?

24 **A. The program would stay stagnant at the**
25 **incentive levels if -- if -- if the request for it**

1 was an incentive change, it would stay at the
2 incentive levels that were on file.

3 Q. And I believe earlier in the week
4 Commissioner Holsman had asked about things that
5 could help increase participation. Is it your
6 opinion that the 11-step process is a tool to help
7 increase participation in programs?

8 A. Yes. I think it is a tool to help -- help
9 us manage participation. I think it helps manage
10 participation and manage the budget in both ways.

11 MS. HERNANDEZ: Nothing further. I tender
12 the witness for cross on this issue.

13 JUDGE PRIDGIN: Ms. Hernandez, thank you.
14 Any cross-examination, Renew Missouri? Hearing none,
15 any cross from NRDC?

16 MS. RUBENSTEIN: No, thank you, Judge.

17 JUDGE PRIDGIN: Thank you. Cross from
18 Staff?

19 MS. JOHNSON: Judge, at this time Staff
20 would a request a ten-minute break to gather their
21 thoughts on this new information before proceeding
22 with cross.

23 MS. HERNANDEZ: Well, I'm just going to
24 put it on the record, Judge, this was a last-minute
25 change of Staff that was filed last Friday before the

1 hearing started and we had little time to prepare and
2 didn't even have time and opportunity to go through
3 what the rules require in terms of filing written
4 testimony on the issue. So I don't know why another
5 break is necessary at this point.

6 MS. JOHNSON: May I respond?

7 JUDGE PRIDGIN: Sure.

8 MS. JOHNSON: Judge, the filed testimony,
9 even though it took place on Friday, allowed for
10 over 72 hours of consideration. We're asking for ten
11 minutes.

12 JUDGE PRIDGIN: All right. We will take
13 a ten-minute break. We'll come back on the record
14 at 4:35. Thank you. We're off the record.

15 (Off the record.)

16 JUDGE PRIDGIN: All right. Good
17 afternoon. We are back on the record. I believe
18 we're ready for Staff to cross-examine this witness.
19 Are we ready to proceed?

20 MS. JOHNSON: Yes, thank you, Judge, for
21 the break.

22 JUDGE PRIDGIN: Thank you. Whenever
23 you're ready.

24 CROSS-EXAMINATION

25 BY MS. JOHNSON:

1 Q. I'd like to go through some more of
2 Appendix J which is the 11-steps. Are you familiar
3 with Appendix J?

4 **A. Yes.**

5 Q. So whenever you're going through
6 the 11-step process, does changing incentives impact
7 the total resource cost calculation, the TRC?

8 **A. I would refer to Jeff Brueggemann's**
9 **testimony that as long as the incentive does not go**
10 **above the incremental cost, then the TRC would not be**
11 **affected.**

12 Q. Because incentive aren't included in the
13 TRC. Right?

14 **A. I would have to refer to Jeff**
15 **Brueggemann's testimony on the definition of how that**
16 **is -- how it's modeled within the TRC.**

17 Q. Okay. Do you know where the high range of
18 incentives included as a sensitivity analysis and
19 included in Ameren Missouri's testimony or work
20 papers in this case?

21 **A. Can you repeat that question please?**

22 Q. Were the high range of incentives included
23 as a sensitivity analysis and included in Ameren
24 Missouri's testimony or work papers in this case?

25 **A. No. I think what was included is the --**

1 the incentives that are in the submittal two that was
2 filed as the -- as the best forecast of our
3 implementation contractors to meet the savings and
4 megawatt -- megawatt and energy goals that's set
5 forth for each individual program.

6 Q. So does changing incentives impact program
7 costs?

8 A. Changing incentive can affect program
9 costs, but as I stated, some of those incentive
10 changes are positive, some of those incentive changes
11 are negative or increase and decrease.

12 Q. If Ameren's MEEIA 4 plan is approved
13 without modification, will the measures available
14 under each program change from what's currently in
15 place?

16 A. I would -- I would say like to say it
17 wasn't -- it wouldn't change, but it could be a new
18 measure if it became cost effective or through the
19 design of the program, if it became available, then
20 we would look at it.

21 I'll give example. We -- we did the --
22 like the income-eligible programs. As we move
23 multi-family income-eligible programs, the first time
24 when we did those programs we was just changing out
25 low-cost measures inside the home. Then we, working

1 with that program, we looked to increase the --
2 increase the savings is of that which included a
3 tuneup. And then now to where we're at now, we're
4 doing a comprehensive-type program that includes
5 HVAC, our partnership with Spire to include furnace
6 replacement. We include air sealing, ceiling,
7 insulation. So it's a whole gamut for that
8 comprehensive.

9 But also what from the results of that
10 from our past evaluation, it showed that we saved
11 customers roughly 30 -- 30 percent average savings
12 per customer in that program which equates to almost
13 eliminating three -- three bills annually.

14 Q. Okay. So if Ameren's MEEIA 4 plan is
15 approved without modification, it is entirely
16 possible that the measures available under each
17 program would change or could change?

18 A. Most of the programs the measures would
19 not change. But it could be another thing that
20 potentially would change, if you think about since
21 the inception of our program, if there's a federal
22 standard, then that could have measures that may be
23 incentive that would not be incentive. But we do
24 not -- I do not foresee any of those federal
25 standards in the near future.

1 Q. But there's no prohibition that the
2 measures available under each program stay the same?
3 I mean, there's no prohibition from it changing.
4 Correct?

5 A. If the measures were to change, then we
6 would have to make -- make a modified change and we
7 would go through the 11-step process to add
8 additional measure. And if that measure is not in
9 the TRM, then we would make -- it would be modified
10 and updated as such.

11 Q. I think you spoke to this earlier, but can
12 you clarify it for me. What's the implementation
13 timeline as envisioned by Ameren's 11-step process?

14 A. I think from the time that we look at it,
15 I think it's somewhere between seven and ten days
16 from when we actually provide the data to
17 stakeholders for review.

18 Q. And how many days do stakeholders have to
19 evaluate and respond?

20 A. I would have to look at the exact, but I
21 think it's five days.

22 Q. Is Ameren required to incorporate the
23 feedback from other stakeholders regarding a change
24 in accordance with your proposed 11-step process?

25 A. The -- the stakeholder -- 11-step

1 stakeholder process was a collaboration between Staff
2 and OPC to make things more efficient going forward.
3 So, therefore, working that process, taking their
4 input is -- it's part of that process to make things
5 more efficient and move things forward.

6 Q. I want to clarify my question to you. I
7 appreciate your answer, but it didn't answer the
8 exact question that I asked. The question is is
9 Ameren required to incorporate feedback from other
10 stakeholders regarding changes in accordance with
11 your proposed 11-step process?

12 A. The -- the process was designed for us to
13 take their feedback and have a discussion to move
14 things forward.

15 Q. Are you required to take their feedback
16 and implement it?

17 A. I'm not -- as far as legally, I'm not sure
18 if we were -- are required or not, but as part of the
19 process, it was a collaborative process. Part of
20 that collaborative process was for us to provide our
21 recommendation for the 11 step, and if they are not
22 in agreement or need additional insight, then we'll
23 provide that and we would discuss that before moving
24 forward.

25 Q. Okay. Let me ask you a follow up to that.

1 Do stakeholders have any form of recourse if the
2 Company does not incorporate suggestions or feedback?
3 Is there an appeal process?

4 **A. I'm not -- I'm not familiar with what the**
5 **legal ramifications of that would be.**

6 Q. Is it your testimony today that you're not
7 familiar with whether or not your 11-step process has
8 an appeal?

9 **A. As I mentioned, we've had 28 11-step**
10 **processes that we have applied, and we've always been**
11 **in agreement with stakeholders. So we have not went**
12 **against them. We have not moved forward without**
13 **their agreement or acceptance of us moving forward**
14 **with the change that we're requesting.**

15 Q. But there's no prohibition from Ameren
16 doing that if they wanted to?

17 MS. HERNANDEZ: Objection --

18 BY MS. JOHNSON:

19 Q. Right?

20 MS. HERNANDEZ: -- asked and answered.

21 JUDGE PRIDGIN: I'm going to overrule. I
22 know it's been asked, but I don't think it's been
23 answered.

24 **THE WITNESS: I'm not -- I'm not aware of**
25 **any -- any recourse that could be -- by the Company**

1 **of such change.**

2 BY MS. JOHNSON:

3 Q. Is there recourse for stakeholders if the
4 Company chose not to incorporate suggestions or
5 feedback during the feedback period of five days in
6 the 11-step process?

7 **A. I'm not -- I'm not aware of any.**

8 Q. Thank you. I'd like to talk a little bit
9 about your response to the estimated time frame for
10 tariff change filings. So you estimated a two-month
11 time frame as opposed to the potentially eight to ten
12 days implementation period that you've referenced in
13 the 11-step process. Right?

14 **A. Correct.**

15 Q. Are you aware that tariff changes can and
16 do occur on a shorter timeline than 60 days on a
17 regular basis?

18 **A. Yes. I think from my knowledge don't --**
19 **that it's a 30 day, potentially a 30 day in the**
20 **process for parties to reject or approve or provide**
21 **comment. And then it takes time for the official**
22 **ruling to be accepted. So what I've seen is it could**
23 **take up to two months or longer.**

24 Q. So it could take up to two months, but it
25 also couldn't. Right?

1 A. I -- I would have to ask -- I'm not a
2 person that files and gains approval for those, so I
3 would have to ask my legal counsel on -- on the
4 process.

5 Q. Understood. Are you aware of the ability
6 for your counsel to request expedited treatment of
7 tariff change filings?

8 A. Familiar with the process, yes.

9 Q. How many 11-step incentive changes have
10 been increases, incentive increases? You said most,
11 but then you've also referenced the low income that
12 was a decrease a few times.

13 A. I think it -- it varies. I can't be
14 precise. Some of them would go up and -- some
15 changes would go up and then it may be 11 step to
16 bring you back down.

17 Q. But the majority are increases?

18 A. I wouldn't say the majority, but I'm
19 not -- I don't have each -- each itemized 11 step in
20 front of me to tell -- to say which ones were
21 increases and which ones are decreases. The ones I
22 spoke to is -- I know I've -- I've been personally
23 involved in, so that's how I can speak directly to
24 those.

25 Q. Have you not been personally involved in

1 all 28 of the 11-step processes that have taken place
2 over the last five and a half years during Cycle 3?

3 **A. I'm part -- I'm in the notification chain**
4 **of those, but I -- when I -- those that I was**
5 **speaking to is when I was implementing programs and**
6 **was change that I requested and led those processes.**

7 Q. And the majority of those as you testified
8 earlier were increases?

9 **A. No. I said there -- there was a mix of**
10 **both increases and decreases.**

11 Q. Okay. Can you give me rough estimate of
12 how many measures are included in the TRM? Just a
13 rough estimate, hundreds, over a thousand?

14 MS. HERNANDEZ: I'm going to object.
15 That's beyond the scope of this limited issue of
16 the 11-step process.

17 JUDGE PRIDGIN: Ms. Johnson?

18 MS. JOHNSON: The TRM's been referenced
19 multiple times even in this limited scope. We've
20 been talking about it all day and how much it's
21 relied on for the calculations that come out of it to
22 support the application which includes the 11-step
23 process.

24 JUDGE PRIDGIN: All right. I will over
25 rule.

1 **THE WITNESS: I'm not aware of the**
2 **number. That could probably be better addressed by**
3 **Neil Graser of our analytics team.**

4 BY MS. JOHNSON:

5 Q. Have you looked at the TRM?

6 A. **I'm familiar with the TRM, yes.**

7 Q. Can you give an estimate of how many tabs
8 and calculations it includes? Is it more than a
9 hundred?

10 A. I haven't went through it in that much
11 detail to know how many tabs it is, but I know that
12 it is in our filing. So if you want to reference the
13 filing, you can -- it's easier -- you can go through
14 that and see how many are in there, but I don't have
15 that in front of me or have those numbers in front of
16 me.

17 Q. Is it fair to say that it's hundreds of
18 pages?

19 A. **Potentially different volumes of that,**
20 **could be, yes.**

21 Q. Thank you. I'd like to go back over
22 the 28 11-step processes that you've referenced
23 have taken place over the five and a half years of
24 Cycle 3. Are you familiar with Ameren Exhibit
25 No. 116 that your counsel prepared at the request of

1 the Chair for which programs are currently active?

2 MS. HERNANDEZ: I'm -- again, I'm going to
3 object. This is again going beyond the 11 -- the
4 specific issue that he was called for direct based on
5 the last minute change of Staff's rebuttal testimony,
6 and it's -- it's just not relevant to the issue that
7 we're discussing right now.

8 JUDGE PRIDGIN: Ms. Johnson.

9 MS. JOHNSON: Judge, the 28 11-step
10 process changes that have taken place have taken
11 place across the 13 programs that are listed in the
12 exhibit provided by Ameren's own counsel.

13 JUDGE PRIDGIN: All right. I'll over --

14 MS. HERNANDEZ: I think that's a --

15 JUDGE PRIDGIN: I'm sorry. Go ahead.

16 MS. HERNANDEZ: I think that's a fact not
17 in evidence and.

18 JUDGE PRIDGIN: All right. I'm going to
19 overrule.

20 BY MS. JOHNSON:

21 Q. Mr. Via, my question was if you were
22 familiar with Ameren's Exhibit 116 for the current
23 programs that are active based on Ameren's
24 application in Cycle 3 and the extensions?

25 **A. I'm not familiar with the exhibit. I've**

1 **not seen the exhibit.**

2 Q. Do you have an idea of how many programs
3 are currently active from the Cycle 3 portfolio?

4 **A. I'm familiar with the Cycle 3 programs**
5 **that are active current -- that are currently active,**
6 **yes.**

7 Q. So if I were to tell you that your own
8 counsel provided a list of 13 active programs, would
9 you agree?

10 **A. I would have to see the document to see**
11 **what that exact total is.**

12 MS. JOHNSON: If it's all right, Judge,
13 can I provide a copy of Ameren's own Exhibit 116 to
14 the witness?

15 JUDGE PRIDGIN: You may.

16 BY MS. JOHNSON:

17 Q. Mr. Via, can you take a second to look
18 over that and count the programs there?

19 **A. Yes.**

20 Q. What's the total number of programs that
21 your counsel provided to the Chair that are currently
22 active?

23 **A. It shows 13 programs on this exhibit.**

24 Q. I want to make sure I understand that if
25 they're -- I want to make sure I'm right here. So

1 if -- if there are 13 active programs and there have
2 been 28 11-step processes to change incentive amounts
3 in those programs, that means that many of those 13
4 programs have had more than one 11-step process
5 performed on them. Right?

6 **A. Yes, that could be, yes. Potentially.**

7 Q. Okay. And that's over the Cycle 3 and
8 extension time period which to date would be about
9 five and a half years. Right?

10 **A. Correct.**

11 Q. If I were to tell you that the incentive
12 changes often take place in the fourth quarter, would
13 that surprise you?

14 **A. I would say it varies.**

15 Q. The reason for an incentive change that
16 increases the incentive would be to drive
17 participation. Right?

18 **A. Some of it's to drive participation. Some
19 is to keep up with the cost. As been mentioned
20 earlier, there's been price increases with supply
21 chain, whatnot. So for instance for our multi-family
22 or multi-family income-eligible program, the cost of
23 HVAC systems increased, so we did -- a lot of costs
24 increase during COVID so some of those adjustments
25 was to increase the cost to accommodate with that.**

1 Q. Does the 11-step process contemplate a
2 requirement by Ameren to change tariffs if incentive
3 amounts are included in the tariffs?

4 **A. Can you repeat that?**

5 Q. Sure. If the incentive amounts were
6 required to be in tariff sheets, does the 11-step
7 process include a step that would contemplate the
8 need for a tariff change already in the process? Is
9 there a frame -- framework for it in the 11-step
10 process already?

11 **A. I think that you're talking about two**
12 **different things. Updating a tariff and updating 11**
13 **step is two different processes.**

14 Q. I like to read step 10 to you and then ask
15 you an associated question. Step 10 in Appendix J
16 says, File updated plan appendices or tariff sheets,
17 if applicable, in the current case number.

18 So I'll ask again. Does the 11-step
19 process contemplate a framework for the need to file
20 tariff sheet changes?

21 **A. From what you read, if applicable, but**
22 **because we have the incentive ranges that are -- are**
23 **filed, we do not have to file a tariff change based**
24 **on incentive change as long as it's within the**
25 **incentive range.**

1 Q. Understood. So you don't have to file a
2 tariff change now, but it is contemplated and there's
3 a framework for it in the 11-step process based on
4 what I read. Correct?

5 A. Incentive changes is not the only thing
6 that's utilized by the 11-step process. If something
7 is utili -- if something requires a change, then it
8 would be.

9 To give you an example, part of our
10 business social services program, it contemplated
11 a -- we had 11 step that we worked -- we provided to
12 stakeholders that involved including municipalities
13 and schools, I think it was schools above -- that had
14 free lunches above 50 percent were free lunches.
15 That constituted a change to the tariff, therefore,
16 there was a tariff change with that 11 step.

17 Q. So there is a way to incorporate the need
18 for a tariff change in the 11-step process?

19 A. If applicable.

20 MS. JOHNSON: Thank you. Just one second,
21 Judge, please.

22 JUDGE PRIDGIN: Certainly.

23 MS. JOHNSON: Staff has nothing further.
24 Thank you.

25 JUDGE PRIDGIN: Ms. Johnson, thank you.

1 Cross from Public Counsel?

2 MS. VANGERPEN: No, thank you, judge.

3 JUDGE PRIDGIN: Any bench questions?

4 Hearing none. Any redirect?

5 MS. HERNANDEZ: Possibly, but I'd ask for
6 the same courtesy, to have a short break.

7 JUDGE PRIDGIN: Ten minutes?

8 MS. HERNANDEZ: Thank you.

9 JUDGE PRIDGIN: All right. We will be
10 back on the record at 5:08.

11 (Off the record.)

12 JUDGE PRIDGIN: Good afternoon. We are
13 back on the record. I think we are back to redirect
14 of this witness. Ms. Hernandez, when you're ready.

15 MS. HERNANDEZ: Thank you.

16 REDIRECT EXAMINATION

17 BY MS. HERNANDEZ:

18 Q. Mr. Via, does every 11-step change now
19 have to go through a tariff filing change?

20 A. No.

21 Q. And do you have -- well, let me ask this.
22 Has there ever been a time when stakeholders have
23 asked for more time to review an 11 -- 11-step change
24 and Ameren Missouri has denied that request for more
25 time?

1 **A. No.**

2 MS. HERNANDEZ: Nothing further. Thank
3 you. I would at this time like to offer his
4 testimony, the exhibit numbers -- let's see.
5 Exhibit 107, that would be Mr. Via's direct
6 testimony; Exhibit 108, Mr. Via's rebuttal testimony;
7 and Exhibit 109, surrebuttal testimony.

8 JUDGE PRIDGIN: All right.
9 Exhibits 107, 108, and 109 have been offered. Any
10 objections? Hearing none, Exhibits 107, 108, and 109
11 are admitted.

12 (Company Exhibits 107, 108, and 109 were
13 admitted and made a part of this record.)

14 JUDGE PRIDGIN: Mr. Via, thank you very
15 much. You may step down.

16 **THE WITNESS: Thank you.**

17 JUDGE PRIDGIN: I believe that is the end
18 of the witnesses. Any -- anything further from
19 counsel?

20 MS. MOORE: Yes, your Honor. We haven't
21 moved for Ameren Exhibit 116. I'm going to do so
22 now. If everyone will recall, we just had Mr. Via go
23 through that and those were the programs requested by
24 the Chair earlier today.

25 JUDGE PRIDGIN: Okay. Exhibit 116 has

1 been offered. Any objections? Hearing none.

2 Exhibit 116 is admitted.

3 (Company Exhibit 116 was admitted and
4 made a part of this record.)

5 MS. MOORE: And then, your Honor, I think
6 yesterday we made a request to -- for the Commission
7 to take administrative note -- notice of the program
8 year 2023 evaluations filed in EO-2018-0211. Those
9 two reports were -- one was the EM&V audit of
10 Ameren Missouri filed on June 11th, and the other
11 was the program year 2023 evaluation report filed on
12 June 10th, 2024.

13 JUDGE PRIDGIN: All right. Any
14 objections? All right. Hearing none, the Commission
15 will take judicial notice of that.

16 MS. MOORE: And then finally, your Honor,
17 yesterday we requested the Commission to take
18 judicial notice of EO-2024-0020. We've narrowed
19 the scope to the initial filing made on
20 September 9th, 2023 which includes the IRP chapters
21 and appendices and the corrected plan filing on
22 April 2nd, 2024. Did I say Plan I?

23 JUDGE PRIDGIN: I don't think you did.

24 MS. MOORE: Yeah. It's the corrected
25 Plan I filing from April 22nd, 2024.

1 JUDGE PRIDGIN: All right. Any
2 objections?

3 MS. VANGERPEN: Your Honor, this is
4 Lindsay with OPC. We are objecting really on I guess
5 several grounds. So first would just be kind of a
6 due process concern. Those documents, the initial
7 filing in particular is, as I understand it,
8 extremely voluminous and that's not something that
9 I'm familiar with or have had time to really delve
10 into. So it would just be a concern that the entire
11 document would be coming in and our witness --
12 witnesses really have not had a chance to respond to
13 the substance of that document. So that's a concern
14 that we have.

15 And we would also be concerned with -- on
16 a hearsay ground if the document was coming in to
17 prove the truth of the matter asserted without being
18 supported by -- by a witness.

19 MS. MOORE: Your Honor, if I may.

20 JUDGE PRIDGIN: You may.

21 MS. MOORE: OPC and the other parties had
22 chance to respond to the comments of the IRP plan on
23 March 8th. But as a more substantive matter I just
24 want to point out that the Company bears the burden
25 of proof in this case and part of that burden and

1 part of the Commission rules require that the Company
2 analyze the impacts of the annual revenue
3 requirements, and it goes on, but it's an accordance
4 with Chapter 2260 over the 20-year plan horizon.

5 We've had testimony all week long
6 regarding the IRP and the Company's load capability
7 and the support for that. And furthermore,
8 throughout this doc -- this week and these documents,
9 it's been alleged that the Company hasn't provided
10 enough information or lacks information or hasn't met
11 the Commission's requirements. And again, the rules
12 in MEEIA require that the plan be advised by the IRP
13 and so we simply ask to have this moved so we could
14 have a more comprehensive record.

15 JUDGE PRIDGIN: All right. I'm going to
16 overrule and the Commission will take judicial notice
17 of the documents as requested by Ms. Moore.

18 MS. MOORE: Thank you, your Honor.

19 JUDGE PRIDGIN: You're welcome. Anything
20 further from counsel?

21 MS. VANGERPEN: Your Honor, I have two
22 quick things. So on our very first day together the
23 Commission had asked that my opening presentation be
24 offered as an exhibit. How would the Commission like
25 me to get that to them?

1 JUDGE PRIDGIN: You're certainly welcome
2 to file that in EFIS --

3 MS. VANGERPEN: Okay.

4 JUDGE PRIDGIN: -- and as a late-filed
5 exhibit.

6 And then I can give time for parties to
7 object if they wish and then we'll go from there.

8 MS. VANGERPEN: Okay. And again, just to
9 make clear while we're here on the record and I can
10 include this as well, that -- we would just offer
11 that as a demonstrative.

12 JUDGE PRIDGIN: Certainly.

13 MS. VANGERPEN: And then the second
14 thing, I believe I've done this previously in
15 hearings. Could I just make sure that all of our
16 exhibits have been admitted?

17 JUDGE PRIDGIN: Certainly.

18 MS. VANGERPEN: And I have here 301
19 through 305. And that's just the testimony of the
20 OPC's witnesses.

21 JUDGE PRIDGIN: If you'll give me a
22 moment, I have 303, 304, and 305 immediately. And I
23 see 301 and 302. And they've all been admitted into
24 evidence.

25 MS. VANGERPEN: Great. Thank you, Judge.

1 JUDGE PRIDGIN: You're welcome. Anything
2 further from counsel?

3 MS. JOHNSON: Yes, Judge. Staff would
4 like to confirm on our exhibits numbers also. We
5 believe that we offered and have been admitted 23
6 exhibits up to No. 223. Is that the same that you
7 have?

8 JUDGE PRIDGIN: If you'll give me some
9 time because we've jumped around, but I will verify.

10 MS. JOHNSON: Thank you.

11 JUDGE PRIDGIN: I'm sorry. That was 201
12 through what number please?

13 MS. JOHNSON: It should actually be 200
14 through 223, so a total of 24.

15 JUDGE PRIDGIN: 200 through 223. All
16 right. Yes. I show all of those offered and
17 admitted.

18 MS. JOHNSON: Thank you, Judge.

19 JUDGE PRIDGIN: You're welcome.

20 MS. MOORE: Your Honor, if you could
21 indulge me. Do you also have Ameren Exhibits 100
22 through 114? And then we did not tender 115 and then
23 I believe you just admitted 116.

24 JUDGE PRIDGIN: I will check if you'll
25 give me just a moment.

1 MS. MOORE: Yes. Thank you.

2 JUDGE PRIDGIN: I'm sorry. That's 100
3 through 1 --

4 MS. MOORE: 14.

5 JUDGE PRIDGIN: 14.

6 MS. MOORE: And then 116. So the 114
7 were the revised Appendix A through O. I think they
8 were admitted yesterday.

9 JUDGE PRIDGIN: I will keep checking.
10 Oh, there it is. 114. So I have 100 through 114
11 and 116.

12 MS. MOORE: Great. Thank you, your
13 Honor.

14 JUDGE PRIDGIN: Yes, those have all been
15 admitted.

16 MS. MOORE: Yep, we match.

17 JUDGE PRIDGIN: Anything further from
18 counsel. All right? Thank you very much. We will
19 look forward to reading your post-hearing briefs.
20 Thank you. We are off the record.

21 (Whereupon, the hearing was adjourned at
22 5:18 p.m..)

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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ISSUE SIX

MINI OPENINGS	PAGE
Ms. Hernandez	6
Questions by Chair Hahn	10
Ms. Johnson	11
Ms. VanGerpen	15

EXAMINATIONS	PAGE
--------------	------

COMPANY WITNESSES:
STEVEN WILLS

Questions by Chair Hahn	16
Questions by Commissioner Mitchell	29
Questions by Commissioner Coleman	32
Questions by Judge Pridgin	35
Cross-Examination by Ms. Johnson	37
Redirect Examination by Ms. Hernandez	43

ANTONIO LOZANO
J. NEIL GRASER

STAFF WITNESSES:

DR. HARI POUDEL	
J LUEBBERT	
SARAH LANGE	
Cross-Examination by Ms. VanGerpen	52
Redirect Examination by Ms. Johnson	55
Questions by Chair Hahn	60
Recross-Examination by Ms. Moore	62

OPC WITNESSES:

DR. GEOFF MARKE	
Questions by Commissioner Mitchell	65
Recross-Examination by Ms. Moore	74
Redirect Examination by Ms. VanGerpen	76

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ISSUE SEVEN

MINI OPENINGS	PAGE
Ms. Moore	79
Questions by Chair Hahn	83
Mr. Pringle	83
Ms. Rubenstein	88
Ms. VanGerpen	93
EXAMINATIONS	
COMPANY WITNESSES:	
TIMOTHY VIA	
Cross-Examination by Mr. Pringle	97
Questions by Commissioner Mitchell	101
Recross-Examination by Mr. Pringle	105
Redirect Examination by Ms. Hernandez	108
ANTONIO LOZANO	
Cross-Examination by Mr. Pringle	110
Questions by Judge Pridgin	112
Recross-Examination by Mr. Pringle	117
Redirect Examination by Ms. Moore	119
STEVEN WILLS	
Cross-Examination by Mr. Pringle	126
Questions by Chair Hahn	134
Questions by Judge Pridgin	140
Redirect Examination by Ms. Hernandez	141
JEFF BRUEGGEMAN	
Direct Examination by Ms. Moore	143
Cross-Examination by Mr. Pringle	145
Redirect Examination by Ms. Moore	148
JEFFREY HUBER	
Direct Examination by Ms. Moore	150
NRDC WITNESSES:	
STACY SHERWOOD	
Direct Examination by Ms. Rubenstein	153
Cross-Examination by Ms. Moore	155
Cross-Examination by Ms. VanGerpen	157
Questions by Commissioner Mitchell	159
Recross-Examination by Mr. Pringle	160

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ISSUE SEVEN CONTINUED

EXAMINATIONS	PAGE
STAFF WITNESSES:	
JORDAN HULL	
Direct Examination by Mr. Pringle	162
MARINA STEVER	
Direct Examination by Mr. Pringle	165
AMY EICHHOLZ	
Direct Examination by Mr. Pringle	168
Cross-Examination by Ms. Moore	170
Questions by Chair Hahn	171
Redirect Examination by Mr. Pringle	173
MARK KIESLING	
J LUEBBERT	
Questions by Commissioner Mitchell	177
Questions by Judge Pridgin	180
Recross-Examination by Ms. VanGerpen	189
Recross-Examination by Mr. Holthaus	191
Redirect Examination by Mr. Pringle	191
OPC WITNESSES:	
DR. GEOFF MARKE	
Cross-Examination by Mr. Pringle	196
Questions by Judge Pridgin	200
Redirect Examination by Ms. VanGerpen	204
Questions by Judge Pridgin	216
Redirect Examination by Ms. VanGerpen	220

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ISSUE SIX-B

EXAMINATIONS	PAGE
COMPANY WITNESSES:	
TIMOTHY VIA	
Direct Examination by Ms. Hernandez	222
Cross-Examination by Ms. Johnson	231
Redirect Examination by Ms. Hernandez	246

1	EXHIBIT INDEX	
2	COMPANY EXHIBITS	
3		PAGE
4	Exhibit 102 Rebuttal Testimony of Steven Wills - Public	125
5	Exhibit 102C Rebuttal Testimony of Steven Wills - Confidential	125
6	Exhibit 103 Surrebuttal Testimony of Steven Wills	125
7	Exhibit 104 Direct Testimony of Antonio Lozano - Public	125
8	Exhibit 104C Direct Testimony of Antonio Lozano - Confidential	125
9	Exhibit 105 Rebuttal Testimony of Antonio Lozano	125
10	Exhibit 106 Surrebuttal Testimony of Antonio Lozano	125
11	Exhibit 107 Direct Testimony of Timothy Via	247
12	Exhibit 108 Rebuttal Testimony of Timothy Via	247
13	Exhibit 109 Surrebuttal Testimony of Timothy Via	247
14	Exhibit 110 Rebuttal Testimony of J. Neil Graser	47
15	Exhibit 111 Surrebuttal Testimony of J. Neil Graser - Public	47
16	Exhibit 111C Surrebuttal Testimony of J. Neil Graser - Confidential	48
17	Exhibit 112 Direct Testimony of Jeff Brueggemann	145
18	Exhibit 113 Direct Testimony of Jeffrey Huber	152
19	Exhibit 116 Programs List	248
20		
21		
22		
23		
24		
25		

1	EXHIBIT INDEX CONTINUED	
2	STAFF EXHIBITS	
3		PAGE
4	Exhibit 200 Direct Testimony of Justin Tevie	194
5	Exhibit 201 Rebuttal Testimony of Justin Tevie	194
6	Exhibit 202 Surrebuttal Testimony of Justin Tevie	194
7	Exhibit 203 Direct Testimony of Sarah Lange	63
8	Exhibit 204 Rebuttal Testimony of Sarah Lange	63
9	Exhibit 205 Surrebuttal Testimony of Sarah Lange - Public	64
10	Exhibit 205C Surrebuttal Testimony of Sarah Lange - Confidential	64
11	Exhibit 209 Direct Testimony of J Luebbert - Public	176
12	Exhibit 209C Direct Testimony of J Luebbert - Confidential	176
13	Exhibit 210 Rebuttal Testimony of J Luebbert - Public	176
14	Exhibit 210C Rebuttal Testimony of J Luebbert - Confidential	176
15	Exhibit 211 Surrebuttal Testimony of J Luebbert	176
16	Exhibit 212 Direct Testimony of Mark Kiesling	175
17	Exhibit 213 Corrected Rebuttal Testimony of Mark Kiesling	175
18	Exhibit 214 Surrebuttal Testimony of Mark Kiesling	175
19	Exhibit 216 Direct Testimony of Dr. Hari Poudel	50
20	Exhibit 217 Rebuttal Testimony of Dr. Hari Poudel	50
21	Exhibit 218 Surrebuttal Testimony of Dr. Hari Poudel	50
22	Exhibit 219 Direct Testimony of Jordan Hull	163
23		
24		
25		

1 EXHIBIT INDEX CONTINUED

2 STAFF EXHIBITS CONTINUED

	PAGE
3 Exhibit 220	
4 Direct Testimony of Marina Stever	167
5 Exhibit 221	
6 Rebuttal Testimony of Marina Stever	167
7 Exhibit 222	
8 Direct Testimony of Amy Eichholz	169
9 Exhibit 223	
10 Rebuttal Testimony of Amy Eichholz	169

8

9

10

11 OPC EXHIBITS

	PAGE
12 Exhibit 303	
13 Direct Testimony of Dr. Geoff Marke	196
14 Exhibit 304	
15 Rebuttal Testimony of Dr. Geoff Marke	196
16 Exhibit 305	
17 Surrebuttal Testimony of Dr. Geoff Marke -	
18 Public	196
19 Exhibit 305HC	
20 Surrebuttal Testimony of Dr. Geoff Marke -	
21 Confidential	196

17

18

19

20 NRDC EXHIBITS

21 Exhibit 450	
22 Direct Testimony of Stacy Sherwood	154
23 Exhibit 451	
24 Rebuttal Testimony of Stacy Sherwood	155

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF CALLAWAY)

I, Shelley L. Bartels, a Certified Court Reporter, CCR No. 679, do hereby certify that I was authorized to and did stenographically report the transcript of proceedings; and that the foregoing transcript, pages 1 through 170, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 30th day of July, 2024.



Shelley L. Bartels, CCR 679

\$	102 125:14,17,19, 21 258:3	18 245:3,6,18 246:18,23	13th 8:12
\$11.4 159:3	102C 125:18,19,21 258:5	11-steps 231:2	14 40:13,24,25 224:19 225:17 253:4,5
\$200 21:24	103 125:15,18,19, 21 258:6	110 47:15,16,19, 21,23 255:11 258:15	140 255:15
\$23,000 120:25	104 124:6,19,22, 25 125:2 258:7	111 47:15,17,20, 21,23 48:1,4,8 258:16	141 255:15
\$250 149:10	104C 124:22,25 125:2 258:9	111C 48:8,10 258:18	143 255:16
\$300 149:12,13	105 124:3,5,7,25 125:2 255:10 258:10	112 144:7,21,25 145:5,6 255:12 258:19	145 255:17 258:20
\$325,000 120:20	106 124:3,9,25 125:2 258:11	113 151:3,17,24, 25 152:2 258:20	148 255:17
\$370 106:21	107 124:4 247:5,9, 10,12 258:12	114 252:22 253:6, 10	15 27:12 40:24 44:18 158:5 254:5
\$4 27:13 28:9 29:4	108 247:6,9,10,12 255:10 258:13	115 252:22	150 255:18
\$500 146:18,22 149:10,15	109 247:7,9,10,12 258:14	116 240:25 241:22 242:13 247:21,25 248:2,3 252:23 253:6,11 258:21	152 258:21
\$521 21:23	10th 3:24 8:11 248:12	117 255:12	153 255:20
\$600 19:9	11 222:23 228:5 235:21 238:15,19 241:3 244:12 245:11,16 246:23 254:4	119 255:13	154 260:21
\$800 136:25 137:2	11-step 5:1,18 95:18,22 103:19, 25 104:1,16 222:8,10,21 223:14 224:23 226:3,12,15,19 227:1,6,23 228:10 229:6 231:6 234:7,13,24,25 235:11 236:7,9 237:6,13 238:9 239:1,16,22 240:22 241:9 243:2,4 244:1,6,9,	11th 8:15 248:10	155 255:21 260:22
1		12 56:8	157 255:21
1 89:9,16 153:25 165:24 253:3 261:8		125 258:4,6,7,8, 10,11,12	159 255:22
1,200 156:16		126 255:14	16 254:9
1,348,564,638 166:5		12:30 77:7,11,16, 20,24	160 255:22
1,537,350,788 166:7		13 40:13,24 120:19 156:2 241:11 242:8,23 243:1,3	162 256:5
1.3 25:13		134 255:14	163 259:24
1.4 82:7		135 172:4	165 256:6
1.9 89:13			167 260:4,5
10 57:1 203:19 244:14,15 254:4			168 256:7
10,000-plus 205:25			169 260:6,7
100 252:21 253:2, 10			17 224:19 225:17
101 255:9			170 131:17,19,22 132:9 134:4 256:7 261:8
			171 256:8
			173 256:8
			175 259:18,19,20
			176 259:12,13,14, 16,17

177 256:10	2024 3:24 83:12, 18 86:3 248:12, 22,25 261:17	219 162:22 163:2, 4,8,16,21,23 259:24	2:15 142:22 143:5
180 4:20 256:10			2nd 248:22
189 256:11	2025 89:2 111:14 112:4,20 131:14	22 62:3	<hr/> 3 <hr/>
191 256:11,12	2026 131:24	220 165:18,21 166:14,18,22,24 167:1,2 256:16 260:3	3 8:15 11:19,25 57:8 83:5 104:10 106:7,16,18,20, 21,25 166:2 201:15 205:12 222:11 223:13 226:4,20 239:2 240:24 241:24 242:3,4 243:7
194 259:4,5,6	2027 112:4,20 132:8	221 165:18,21 166:14,18,23,24 167:1,2 260:4	30 40:10,23 187:16 233:11 237:19
196 256:14 260:12,13,15,16	203 63:16,17,20, 21,23 259:6	222 168:21,24 169:2,6,10,13,15, 17 257:5 260:5	300,000 156:12
1:00 142:17	204 63:17,20,21, 23 256:15 259:7	223 168:21,24 169:2,6,11,14,15, 17 252:6,14,15 260:6	301 251:18,23
<hr/> 2 <hr/>	205 63:18,20,21, 23 64:4,7,8 259:8	2260 250:4	302 251:23
2 6:16 165:23,25 205:10 223:23	205C 64:4,7,8 259:10	227,000 121:3	303 195:23 196:3, 5 251:22 260:12
2,700 81:11	208 183:9	23 252:5	304 195:23 196:3, 5 251:22 260:13
20-year 250:4	209 176:11,17,19, 21 259:11	230 92:11	305 195:24 196:3, 5 251:19,22 260:14
200 156:11 172:4 194:3,15,21,23 252:13,15 256:14 259:3	209C 176:17,19,21 259:12	231 257:5	305HC 196:4,5 260:15
2008 25:10	210 176:13,17,19, 21 259:14	23rd 92:11	30th 261:17
2009 25:9	210C 176:17,19,21 259:15	24 252:14	32 254:10
201 194:3,15,21, 23 252:11 259:4	211 176:14,17,19, 22 259:16	246 257:6	35 254:10
2015 78:14	212 174:24,25 175:4,6,8 259:17	247 258:13,14,15	37 254:11
2016 8:4 13:20 14:7 120:19	213 174:24 175:1, 4,6,8 259:18	248 258:22	393.1075.3 6:16
2018 8:10 24:2	214 174:25 175:2, 5,6,8 259:20	25 140:21	3:20 193:23
2018-0211 92:10	216 49:19,22 50:2, 4 256:15 259:21	25th 8:10	3:35 193:24 195:3
2019 8:15,17	217 49:19,22 50:2, 4 259:22	26 63:16 157:24	3rd 8:13
202 3:23 194:4,16, 21,23 259:5	218 49:19,23 50:2, 4 259:23	28 104:1,7 223:14 226:3 228:6 236:9 239:1 240:22 241:9 243:2	
2020 8:11		289 78:13	
2021 8:12		29 254:9	
2023 3:14,23,25 8:13 133:17 134:23 226:20 248:8,11,20			

4	6.1 42:20,24	9:03 3:1	41:9,14 65:16,25
4 36:11 43:5 85:3 114:1 157:24 232:12 233:14	60 133:20 237:16 254:16	9th 248:20	accounts 74:23
4,051,000 121:4	62 254:17	A	accurate 59:12 67:1 127:3,10 144:17 151:13 191:9 194:10
4,660 35:15	63 259:7,8	A-M-Y 168:13	accurately 18:5 68:16 216:9
4.197 9:3	64 259:9,11	a.m. 3:1	ACEEE 67:2
40 102:4	65 254:19	ability 81:4 178:20 179:20 180:3 187:14 216:9 218:22 238:5	achieve 135:1 188:17 190:5
43 254:11	679 261:5,21	Absent 68:14 202:12 213:7	achieved 84:16 87:23,24 89:14,17
44 14:5	6B 10:1	absolutely 19:23 34:11 35:13 43:23 51:18 52:2 69:8 72:18 113:8,10 114:13 115:16 118:14 123:8 139:11 210:12	achieves 190:10
450 154:15,17,18, 19 260:21	7	accept 73:19	achieving 81:2 181:7
451 155:12,13,15, 16 260:22	7 224:18 225:16	acceptance 236:13	acronyms 192:5
47 14:8 258:16,17	70 133:20	accepted 237:22	Act 12:7
48 158:10,17 258:19	72 230:10	accommodate 243:25	action 21:6 261:14,15
4:35 230:14	74 254:19	accomplish 80:24	actions 18:11,17
5	75 57:4	accomplished 90:5	active 218:24 241:1,23 242:3,5, 8,22 243:1
5 14:6 57:3 106:24	76 254:20	accordance 234:24 235:10 250:3	activities 7:9
50 61:17 107:16 149:9 245:14 259:21,22,23	79 255:3	account 12:6 41:11 57:5 68:2 86:22 94:14 113:17 115:1 147:4 148:11	activity 127:7
500 149:12	8	accountant 41:11	actors 210:12,15
51 35:11	8 14:9	accounted 148:14	actual 11:12 12:24 13:4,5,10,15 30:7 54:18 56:6 57:13 58:11 59:18,23 61:16 74:19 75:3, 15 84:25 99:12 109:5 187:3 209:21 214:25 215:7 225:8
52 254:15	80 128:24 217:24	accounting 11:18	add 67:11 113:13 234:7
55 254:16	83 255:4		adding 208:20
5:00 40:7,23	85 44:17 206:12 212:10		
5:08 246:10	88 255:5		
5:18 253:22	8th 249:23		
6	9		
6 254:3	90 203:17,18		
	90/10 203:15		
	93 255:5		
	97 255:9		
	99 89:17		

<p>additional 59:25 85:5 89:10 132:6 136:23 179:20 181:4 198:24 202:14 209:2 210:10 219:14 223:1 226:8 227:2 234:8 235:22</p> <p>additions 166:10 168:23</p> <p>address 11:17 12:5 84:18 86:20 97:21 100:7 156:4,9,15 215:12 219:9</p> <p>addressed 240:2</p> <p>addresses 86:11 93:12</p> <p>addressing 85:23 86:16</p> <p>adequately 156:4</p> <p>adjourned 253:21</p> <p>adjust 59:1 115:4</p> <p>adjusted 36:9 220:11</p> <p>adjusting 101:12</p> <p>adjustment 59:3 67:3 103:11</p> <p>adjustments 243:24</p> <p>admin 146:6 158:12</p> <p>administering 140:18</p> <p>administrative 146:4</p> <p>administration 87:14,19 123:9 190:13</p> <p>administrative</p>	<p>117:21 118:3 122:11 140:17,21 146:4 158:4,9 182:13 196:22 202:16,20 248:7</p> <p>admission 125:13 154:14 155:11</p> <p>admit 49:20 83:7 92:18 144:21 195:25</p> <p>admitted 47:21,24 48:10 49:17 50:2, 5 63:22,24 64:7,9 124:25 125:3,19, 22 145:5,6 152:1, 2 154:18,19 155:15,16 163:21, 23 167:1,2 169:15,17 175:6,9 176:19,22 194:21, 24 196:4,6 247:11,13 248:2,3 251:16,23 252:5, 17,23 253:8,15</p> <p>admitting 78:17 194:11</p> <p>adopt 94:21</p> <p>adoption 11:22 14:19 137:5 203:18</p> <p>adopts 227:22</p> <p>advance 55:22</p> <p>advanced 35:16</p> <p>advantage 12:7</p> <p>adverse 53:3</p> <p>advertising 209:16</p> <p>Advil 214:18</p> <p>advised 250:12</p> <p>advocate 66:19</p>	<p>advocating 36:21</p> <p>affect 59:20 178:23 232:8</p> <p>affected 22:22 231:11</p> <p>afford 104:2</p> <p>affordable 8:25 34:21,22</p> <p>afternoon 3:12 4:12 40:8,24 78:3 88:16 93:4 97:3,4 101:1 110:9,10 126:10,11 134:20, 21 142:18 143:8, 23 145:17,18 150:15 153:8,11 157:10,11 160:24, 25 162:9 165:4,5 168:9,10 171:7,8 189:6,7 195:7 196:18,19 204:22, 23 230:17 246:12</p> <p>aggregator 85:23</p> <p>agree 19:10 27:9 40:15,18 53:18, 19,21,25 74:18 75:1,3,17 158:3,8, 16,17,20,24 170:16 189:13,15 210:1 225:3,24 226:2 242:9</p> <p>agreed-to 205:12</p> <p>agreeing 226:5</p> <p>agreement 8:9,10, 11,13 57:16 158:7 201:16 223:15 226:4,15 235:22 236:11,13</p> <p>agreements 8:7</p> <p>agrees 53:8 91:18</p> <p>ahead 75:12 152:19 173:16</p>	<p>179:18 205:22 206:2,19,22 213:1,15 214:13, 18 241:15</p> <p>air 20:1 32:22 73:16 146:16 206:2,3 218:1 233:6</p> <p>align 17:9 23:21 24:8,13 85:18</p> <p>aligned 6:23 57:17 80:2 94:23</p> <p>aligning 59:15</p> <p>aligns 7:12</p> <p>all-customers' 33:18</p> <p>alleged 250:9</p> <p>allowed 4:24 5:15 8:18 13:16 24:5 93:18 97:10,13 106:24 230:9</p> <p>allowing 189:22</p> <p>alluded 102:19</p> <p>alternative 4:22 9:1 93:19</p> <p>Alternatively 94:8</p> <p>ambiguous 115:12</p> <p>amended 15:13 93:8,9,16,23 94:12,22 95:2 192:22</p> <p>Ameren 3:25 4:25 6:7,11 7:2,18,22 8:20 9:9 10:15 11:18,24 12:8,20 13:4,7 14:7,10 15:15 16:7 24:24 34:9 35:15,17 41:2 42:4 45:17 46:21 47:15 49:9</p>
--	---	--	---

51:2 55:5 57:21 61:21 62:14 65:4 71:17 74:11 76:9 79:14,17 82:25 84:6 85:4,13,15, 17 88:20 89:16 93:7,17,24 94:11 95:13 96:11 97:24 100:4 105:6,22 106:4 107:14,24 108:25 109:1,20 110:18,20 112:5, 19 113:25 114:17 115:5 120:2 124:3,6,7,8 125:10 126:19 128:6 131:8 137:13,17 141:20 142:23 143:1,9,19 144:7,21 150:11 151:2,16 155:21 158:9 159:1 160:13 164:9 167:14 170:5 172:21 173:3,10 175:20 177:10 178:8 180:3 183:17 184:9 185:10 191:2,23 192:10,14,19 200:14 201:17,23 203:18 204:16 205:11 207:12 211:9 213:1 217:19 219:23 221:15 228:1,21 231:19,23 234:22 235:9 236:15 240:24 244:2 246:24 247:21 248:10 252:21	121:17 124:4 135:3 156:5,14,18 183:19 184:13 192:15 232:12 233:14 234:13 241:12,22,23 242:13 AMI 12:8,18 14:17 72:9,17 AMIS 13:16 amount 21:20 22:3 56:6 71:14 75:11 87:16 136:19 160:5 170:11 179:8 203:24 220:14 222:20 227:24 228:2,17 amounts 87:13,20 243:2 244:3,5 Amy 85:20 168:1, 13 169:12 256:6 260:6,7 analogize 25:20 analogous 26:22 analogy 214:1,11 analysis 31:19 34:17 106:3 127:25 137:20 231:18,23 analyst 165:13 168:17 analytics 240:3 analyze 250:2 analyzing 75:17 and/or 84:15 angle 190:10 annual 25:13 89:9, 10 128:9 156:15 185:14 250:2	annualized 56:4 59:10,24 annually 120:20, 25 127:14,17 142:5 233:13 answering 141:19 answers 12:15 100:12 151:10,12 154:7,10 155:4,7 163:4 166:18 169:2 180:25 197:22 anticipate 12:23 anticipated 12:23 184:12,13 anticipating 133:25 Antonio 45:14 109:17 254:12 255:11 258:8,9, 11,12 Anytime 40:12,17 Apologies 191:15 apologize 55:22 64:1 113:12 157:1 158:16 225:15 apparently 17:16 appeal 80:21 236:3,8 appealing 31:4 appearing 79:17 150:3 152:22 appears 76:20 170:17 appendices 244:16 248:21 appendix 87:6 99:6,9 106:9,15 108:11 134:23 135:23 148:12	224:9 231:2,3 244:15 253:7 appetite 216:11 applicable 87:20 244:17,21 245:19 application 8:3,21 15:13 42:22 43:2, 6 84:3,5,11,14,18, 23 85:1 87:4 93:8, 10,16,24 94:12,22 95:3 179:13 183:21 192:21,22 198:18 203:11 216:16 219:4,6 239:22 241:24 application's 87:6 applications 14:21 173:21 applied 18:13 59:13,14 130:11 131:2 219:4 236:10 applies 45:2 127:21 apply 132:8 approach 189:15 215:2 approached 71:6 approaching 45:10 approval 84:17 104:3 224:3 238:2 approve 85:14 87:3 88:20 94:19 104:8 237:20 approved 36:7 82:11 101:15 156:6 179:13 181:20,22 182:7 201:21,22 228:9 232:12 233:15
---	--	---	--

approves 94:4	assistance 156:2, 11	attorney 68:18 182:20 261:11,13	avoiding 85:9 220:19,21
approving 200:2	associate 162:18	attract 213:1	aware 62:19 63:6 97:24 105:15 108:8 111:7 117:5,12 131:11 170:13,14 173:7, 18 178:4,8 216:24 236:24 237:7,15 238:5 240:1
approximately 9:3 81:11 158:10 159:3	Associates 150:24	attributed 18:11	awareness 135:15,17 138:7
April 132:18 248:22,25	association 210:15	attributes 88:23 138:17	awful 207:7 210:2
ARCS 85:24 213:12	assume 12:24 54:10	attribution 185:24	
area 75:13 118:6 120:24 121:2 190:11,14 199:19	assumed 43:5 61:14	auction 85:25 86:22 100:5 110:19 111:13,15 126:20 127:19 133:22	B
areas 138:1	assumes 42:20	audit 3:25 136:15 207:24,25 209:1, 10 212:17 248:9	B-R-U-E-G-G-E-M-A-N-N 144:2
arguably 218:21	assuming 70:10 91:1	auditor 203:14	back 25:8,21 30:15 41:7 56:25 69:9 75:20 78:3 83:20 98:11 105:4 108:21 116:1 117:4 126:22 128:14 137:19 139:13 141:18 143:9 181:15 182:15 195:7 201:8 212:16 223:23 226:8 230:13,17 238:16 240:21 246:10,13
argue 23:3	assumption 39:21 59:11 60:8 89:21 131:11 204:4	audits 207:2,22	
argued 78:10	assumption-based 28:9	August 8:13 92:11	
arguing 13:17	assumptions 12:12 14:16 26:24 27:4,6,7,10,11,16, 24 28:25 57:13 59:1,16 69:23 70:10,22 71:2,8 72:4,23 73:19 130:3 188:21 199:8	authority 24:7,15 54:11	
arisen 217:5	assurance 201:1	availability 87:10, 19	
arises 9:7	astronomical 160:5	avenue 212:19	
arrearages 119:16	attached 153:24 182:19 183:16,17	authorized 67:25 261:6	
art 67:2	attack 84:11	average 69:15,16 185:14 233:11	
articulated 67:4 202:4 217:4	attempt 52:23 53:15	averages 71:11	
articulates 212:2	attempting 221:4	averaging 70:7	
artificially 218:21	attention 78:6 207:3,19	avoid 25:24 57:1,3 185:25 187:18	
asbestos 209:5		avoidable 185:6	
asks 88:19		avoided 9:16 12:12 19:16 33:24 54:8 57:8 58:11 72:1 117:24 128:19 166:3,6,8 185:14,15 186:6 187:10,11	bad 119:16 210:12,15 216:1
aspect 180:13 186:5			balance 28:17 115:21 116:17
aspects 85:23 105:13			ball 61:9
asserted 249:17			bandwidth 69:20
assessed 130:24			bang 187:25
assessment 129:23			barrier 136:11
assets 179:12,15			barriered 160:6

barriers 90:14	belief 163:9 166:15 169:7	190:4,16	body 214:13
Bartels 261:4,21	believer 229:3	bet 21:1	bogged 222:17
base 19:17 20:7, 10 21:9,11 25:12 26:9 30:13 56:15 146:17,20 198:23	believes 89:2 90:12 93:8	betraying 214:7	boiled 192:25
based 8:22 11:12 27:23 30:7 31:18, 21 34:2 37:10 58:5 60:5 62:7 74:2 104:20 106:19 107:7 116:19 127:12 128:11 129:16 130:8,10 133:11 138:9 141:3 160:13 172:14 186:17 188:25 196:25 204:7 219:14 241:4,23 244:23 245:3	bench 3:6 10:9 14:25 15:21 16:21 29:14 32:9 35:2 37:9,10 46:7,8 47:11 49:13 51:4 55:7 60:13 62:7,8 65:8 74:1,3 77:22 82:17 88:4 90:18 95:10 100:21 101:2 104:19,20 111:24 116:19 117:5 122:17 134:16 140:2 141:3 142:24 143:11 148:2 152:14 159:14 160:12,13 164:11 167:16 171:4 172:13,14 175:23 177:12 180:16 182:23 188:25 191:9 200:16 204:7 219:14 246:3	biased 73:15 218:9	born 214:24
baseline 89:24 117:23 118:9 199:11	beneficial 90:13	bid 133:22	box 82:8
basically 21:25 25:2 203:8	benefit 21:6 31:14, 23 32:24 85:12 94:25 113:20 117:23 187:21	bidding 212:23 213:15	boy 140:24 150:21
basis 9:5 13:16 128:25 131:1 156:15 179:19 183:15 215:10 237:17	benefiting 85:15 103:4	big 67:4 69:3	Brad 183:8
bear 19:22	benefits 14:17 21:8,20,24 22:3 33:23,24 82:1 84:11,22,25 85:9, 18 102:18 114:12 117:7,10,12 119:8,12 186:5,14 187:1,8 188:10	bigger 123:9	braiding 90:9
bears 249:24	benefit 21:6 31:14, 23 32:24 85:12 94:25 113:20 117:23 187:21	bill 9:8,9,12 19:12 20:1 21:7 72:22 80:24 81:6,15 82:10 136:20 170:17	break 51:16,21 76:21,25 77:19,22 91:11 95:16,17 142:17,21,24 143:5 186:3 193:15,23,25 195:2 208:17 229:20 230:5,13, 21 246:6
began 3:1	beneficial 90:13	billing 12:18 13:10 56:5 59:9	breaks 142:18 184:21,25 185:12
begin 62:4	benefit 21:6 31:14, 23 32:24 85:12 94:25 113:20 117:23 187:21	billings 13:5	bridge 94:5 181:19 202:4 213:24,25 214:4 215:20
beginning 130:19	benefiting 85:15 103:4	billion 9:3 27:13, 22,24 28:9 29:4	briefly 52:14 55:21 76:5 172:25 189:2 204:19 220:1
beginnings 25:14	benefits 14:17 21:8,20,24 22:3 33:23,24 82:1 84:11,22,25 85:9, 18 102:18 114:12 117:7,10,12 119:8,12 186:5,14 187:1,8 188:10	billions 25:11,22 206:8	briefs 79:6 253:19
behalf 79:17 88:12 160:19	beneficial 90:13	bills 9:15 19:13 20:3 34:20 80:11 120:20 233:13	bring 3:12 4:18 78:6 89:11 107:20,21 179:25 182:8 189:22 213:15 238:16
behaviorally 214:24	benefit 21:6 31:14, 23 32:24 85:12 94:25 113:20 117:23 187:21	bit 32:1 33:10 60:19 72:20 104:16 110:24 111:2 113:13 118:5 126:22 127:6 140:15 193:23 212:6,9 213:23 218:19 237:8	bring- 189:14
	benefiting 85:15 103:4	BJF-S1 192:18	bring-your-own- thermostat 190:3
	benefits 14:17 21:8,20,24 22:3 33:23,24 82:1 84:11,22,25 85:9, 18 102:18 114:12 117:7,10,12 119:8,12 186:5,14 187:1,8 188:10	blank 185:9	bringing 199:24
	benefit 21:6 31:14, 23 32:24 85:12 94:25 113:20 117:23 187:21	blow 207:25 208:7 209:7	broad 72:9 85:13
	beneficial 90:13	board 112:10 223:12	broader 56:2 111:1 119:20

broken 87:12 187:1	bunch 37:1	212:13 241:4	155:12 201:20,23 212:6 231:20,24 244:17 249:25
brought 3:13 4:12 55:24 117:15 179:4,5,7 202:22 207:19	burden 4:25 249:24,25	calling 19:8	cases 58:1 94:10 149:7 220:25
brown 207:5	business 81:13 85:24 86:10,15 90:3 94:2,3 97:12, 16,18,25 98:6,7 105:10 153:18 214:15 226:23 245:10	calls 41:19 89:18, 25 223:11	categories 42:16 43:19 44:20,23 87:13 117:13 119:12,20 184:23 185:13 186:8
Bruegemeyer 199:1	businesses 90:8, 16	caloric 215:6	category 119:13, 15,17 209:13
BRUEGGEMAN 255:16	buy 7:5	cap 112:3	caught 63:1 177:21
Brueggemann 118:10 142:22 143:10,12,15,23 144:1,3,22 145:17,25 147:13 148:6 149:20 197:17,21,25 199:2 258:20	buy-in 104:11	capabilities 180:10	caused 12:21 54:1 162:21 165:16 168:19
Brueggemann's 117:19 231:8,15	buying 203:7 212:20	capability 111:11 131:12 133:6,14, 15,20 178:25 250:6	caution 188:3
buck 188:1	C	capacity 24:24,25 25:24 26:3,8,21 33:24 126:24 127:11,17,18 128:3,4,10,12,19 129:12,13,19 130:7 150:23 162:16 165:11 168:15 184:12 187:2	caveat 23:11,14 51:15 177:25
buckets 101:12	cable 218:8	Cape 199:17	caveated 181:1 190:1
bucks 206:4	calculate 13:5 17:11 23:25 36:25 72:11	capital 205:24 211:10 213:2 218:16 219:11	caveating 127:6
budget 81:22 87:12 122:21 137:13,16,25 215:23 216:7 229:10	calculated 10:4,23 11:23 17:5 58:10 147:12 148:16,17 198:14	capping 122:20	CCR 261:5,21
budgets 122:8 123:13 141:19	calculating 129:9	caps 158:4	ceiling 233:6
build 25:25 28:7 101:18 102:15 179:21 220:20	calculation 18:20 35:20 75:4 231:7	capture 205:17	centered 207:5
building 25:22	calculations 12:10,11,16 13:24 36:17 54:16 188:5 197:25 198:12 239:21 240:8	careful 17:16,19 138:16	centers 26:7
built 148:24	call 67:1 170:20 178:20 221:16	carefully 14:9	cents 19:3,5 40:10,13,18,23 57:2
bulb 205:23	Callaway 25:11,22 261:3	case 3:17,21 4:25 5:2 13:2,9 14:14 20:2,22 21:4 30:15 31:5,8 36:6 53:2,24 54:2 56:5, 25 57:2 58:12,24 59:2,3,24 61:3,14 75:22 84:18 91:16 153:22 154:15,23	CERTIFICATE 261:1
bulbs 205:15,20	called 85:24 146:19 207:12		Certified 261:4
bulk 203:7 212:20			certify 261:5,10
			chain 210:21 239:3 243:21
			Chair 10:13,15,18, 21,25 11:4 16:22, 24 29:12,13

60:13,15 62:5,6 82:23,25 83:3,21 84:1 92:8,19 93:4 115:14 134:17,19 139:25 140:1,4 141:19 171:4,6 172:9,12 182:16 184:5 241:1 242:21 247:24 254:4,9,16 255:4, 14 256:8	232:6,8,24 234:3 Chapter 250:4 chapters 248:20 characterization 25:7 characterize 208:13 215:5 characterized 35:23 charge 7:24 102:24 170:22 charged 140:20 chart 21:21 22:10 charts 129:14 cheaper 29:4 202:3 212:23 213:2 check 40:15,21 136:25 158:7 159:5 163:15 252:24 checked 198:19 checking 159:12 253:9 choose 75:13 97:25 107:3 chose 102:7 237:4 Christmas 208:17 circular 211:25 circumstances 68:3 citations 61:17 cite 79:4 citing 71:18 212:17 city 199:16 clarification 32:20 34:12 39:25 58:13	63:25 78:16,22 92:5 134:3 clarify 38:21 42:10 47:25 49:21 64:4 76:1 124:19 147:2 158:12 173:6,15 220:5 234:12 235:6 clarifying 41:21 55:18 74:13 clarity 37:23 122:23 class 36:3 185:1 classes 13:3,6 88:25 claw 41:7 clean 115:8 cleanest 68:6,7 clear 44:24 60:8 78:24 87:11 110:20 146:6 210:11,13 211:15 215:19 251:9 climate 69:25 70:1 close 159:25 160:7 closed 53:10 closer 89:12,14,16 closing 160:8 co-ops 205:5 coincide 100:4 110:18 126:19 coincidence 127:25 128:5,18 131:2 coincides 186:14 cold 134:5 Coleman 32:10, 11,14,17 33:2	34:24 42:19 254:10 collaboration 222:14 235:1 collaborative 223:20 235:19,20 colleagues 21:22 collecting 218:15 color 218:11 combining 187:9 comfortable 134:7 comment 21:25 237:21 comments 77:10 82:15 249:22 commercial 186:4 Commission 3:14, 16,18,20 4:23 5:16 6:10,15,22 8:14,18 11:5 12:1 15:12,15 23:20 30:25 36:6 39:19 67:24 71:25 78:23 79:8,16 80:1,25 82:4 84:2,9 85:2 87:3 88:17,20 93:6,16 94:4 112:3 137:12,16 156:6 162:17 165:13 168:16 181:20,23 182:7 197:9 198:16 201:11,21 203:6, 10 212:2 213:18, 20 216:12 218:4 224:3 227:22 228:23 248:6,14, 17 250:1,16,23,24 Commission's 89:13 122:22 131:7 203:14 250:11
--	---	--	--

Commission-approved 81:1	220:17 225:1 236:2,25 237:4 247:12 248:3 249:24 250:1,9 254:8 255:8 257:4 258:2	complexity 126:22	conditioner's 206:3
Commissioner 29:15,17,18,24 30:24 32:3,6,10, 11,14,17 33:2 34:24 35:1 42:11, 19 65:10,11,14,22 73:24,25 100:23, 24 101:3,6,8 104:14,18 105:4 108:22 159:15,16, 19 160:9,11 161:1 177:13,14,17 180:14,15 189:9 229:4 254:9,10,19 255:9,22 256:10	Company's 7:6 8:22 9:3 11:21 13:17 56:4 74:23 82:6 90:1 188:19 197:3,13,14,19 211:19 224:24 250:6	component 61:5,6 146:21 159:25	confidence 203:9
commissioners 6:1 11:4 42:11 84:1 93:5 94:8 104:8	comparable 181:8	components 60:25	confident 73:22
commissioners' 21:17	compare 172:6	comprehensive 33:7 111:5 112:15 136:16 233:8 250:14	confidential 48:1, 5,7 64:2 124:20 125:14 176:12,13 195:24 258:6,10, 19 259:11,13,16 260:16
committed 22:11	compared 28:14 94:22 134:25 190:4	comprehensive- type 233:4	confirm 189:19 194:2 252:4
common 90:10	compares 117:25	con 199:15	confounding 67:5 73:10
communication 92:7	comparison 29:1, 5,8 57:25 58:24	concede 72:3	confusion 207:8
companies 210:25	comparisons 137:21	conceived 68:4 69:1	conglomeration 113:2
company 5:14 12:24 13:13,18 17:15,19,21 30:2 47:23 48:10 54:18 56:14,17 59:25 62:20 75:16 80:12,17 82:8 107:3 109:22 111:2 119:16 120:1 125:2,21 139:11 140:20 145:6 152:2 161:2 170:20 180:9 181:22 183:24 190:8 197:8 207:23 214:6	compensate 36:10	concept 136:10	connect 68:23
	compensates 7:22	concern 36:24 86:9,20 177:19 218:3 249:6,10,13	connected 261:13
	competition 199:19 211:2	concerned 188:13 249:15	connects 65:16
	complain 21:2	concerns 9:23 29:21 32:4 57:5 84:19 86:6,16 91:20 171:10 177:23 178:3 182:9 188:4 200:1	connotation 66:18
	complement 80:16	concession 61:7	cons 66:23
	complete 228:11	concessions 61:7	consciousness 216:16
	completed 13:10	concise 112:16	considerably 68:13 199:16
	completely 25:3 44:21 65:15 121:6 194:10	conclude 93:17 193:21	consideration 93:19 138:8,15 226:7 230:10
	completes 106:2	concludes 31:8 82:14	considerations 138:3
	complex 13:19 32:1 57:11	conclusion 23:7 41:20 85:2 91:16 188:21	considered 76:10 122:22 181:6
		conditioner 20:1 32:22 146:17 206:2	considers 50:17 75:16 196:22 212:3
			consistent 8:3 14:6 127:3

<p>consolidated 213:14</p> <p>consolidation 210:23</p> <p>constantly 71:21</p> <p>constituted 245:15</p> <p>constraints 210:21</p> <p>construct 139:14 178:13</p> <p>constructed 224:23</p> <p>construction 25:10 86:12</p> <p>consultants 75:12</p> <p>consulting 150:25 153:16</p> <p>consumer 66:19 210:5,16 218:2,6</p> <p>consumer-friendly 217:23</p> <p>consumption 90:11 184:19</p> <p>contact 51:16 76:24 207:23</p> <p>contained 144:13, 17 151:9,12 163:7 166:13</p> <p>contemplate 25:1 244:1,7,19</p> <p>contemplated 24:23 245:2,10</p> <p>contemporaneous 66:1</p> <p>contention 22:20, 21</p> <p>contentious 71:24 204:4</p>	<p>contested 220:25</p> <p>context 66:18 72:20 146:3 147:20 148:8 183:12,15 193:7 202:23 205:1,9,14 206:23 221:3 227:10</p> <p>continuation 227:19</p> <p>continue 43:21 94:20 114:5,10, 20,23,25 115:10 119:9 136:1 179:11,21</p> <p>continued 12:13 81:20 86:13 256:2 259:1 260:1,2</p> <p>continues 115:20</p> <p>continuity 209:8 227:15</p> <p>continuous 116:1</p> <p>contract 105:6 199:20</p> <p>contractor 206:17</p> <p>contractors 106:16,23 199:18 222:25 232:3</p> <p>contracts 105:22</p> <p>contradict 202:25</p> <p>contributes 7:25 18:23</p> <p>control 73:5,9 80:11,24 82:10</p> <p>conversation 42:12,19</p> <p>conversations 42:10 73:8</p> <p>cooking 184:24</p>	<p>cooling 184:24</p> <p>copies 182:23</p> <p>copy 154:1 157:12,16 182:24 224:10,13 242:13</p> <p>corporations 80:25</p> <p>correct 15:24,25 35:22 45:8,9 48:13 49:24 52:21 76:12,16,17 95:15 97:8,9,13 99:15 108:1 109:13 122:4 123:6 124:13 144:8 149:23,25 151:21, 23 152:18 154:1, 11 155:8 158:5, 11,17,22,23 159:1,2,4 161:20 163:8,18,19 164:15 166:14 167:23 169:6 170:22 177:24 193:18,19 194:18 195:11 212:6,7 221:14,15 225:18 234:4 237:14 243:10 245:4</p> <p>corrected 4:13,19, 20 175:1 248:21, 24 259:19</p> <p>correction 166:1,4</p> <p>corrections 144:9 151:5 154:3,25 162:25 165:21 166:10 168:23 223:22 225:12</p> <p>correctly 35:24 46:12 70:11 95:14 107:23 120:14 167:22 195:10 215:4 216:6</p>	<p>correlate 123:17</p> <p>correspondence 207:17</p> <p>corresponds 183:6</p> <p>cost 9:2,11 18:23, 24 19:1,8,14,15, 17,23 20:3,8,24 21:19,24 22:3,16 27:13 28:4,13,14, 20 29:8,11 31:20 33:3,6,8,14,17 43:6 44:22 56:15 82:6 84:17 87:13 89:10,14 90:13 103:3,12 106:4,6, 7,8,11,13,17 107:9 112:7,13,22 113:4,15 114:10 116:15 117:11,20, 22 118:16 128:19 129:25 136:2,23 137:6,23 138:19 140:9,14 146:19, 23 147:16,19,20 148:9,10 149:6, 10,11,12,13 179:15 180:23 181:3 186:13 190:2,12 192:10 199:4,5,6,7,15,23 200:1,23 202:10, 13 203:12,24 208:3 210:20 211:3 213:16 215:7,9 216:1 218:14 223:5 231:7,10 232:18 243:19,22,25</p> <p>cost-effective 6:21 81:3 102:25 114:7 138:1 208:10 215:24</p> <p>cost-effectiveness 113:1,7 119:22</p>
--	--	--	--

costs 6:20 9:16,19
19:4 20:10,13,21
21:3 22:17 28:6
29:1 31:9,10,16,
21 42:13,17 43:19
44:4,10,11,14,23
53:21 86:2 109:5
112:4 113:19
114:1 117:17,21,
24 118:1,2,3,4,8,
13 121:1 122:11
123:4,9 140:18,21
146:2,3,4,7,9,12,
14,15 147:14,18
149:8 158:5,9,13
181:8 182:13
185:6 186:4,11
187:24 188:7,8,9
190:14,16 196:21,
22,23 197:15
198:5,7,9 199:22
200:25 202:2,17,
19,20 209:11
220:19 232:7,9
243:23

counsel 3:5 4:4
5:5,8 10:16 11:15
15:9,21 16:19
17:3 43:18 45:18
46:5 47:8 49:3
50:20 52:13 58:17
62:8 63:13 76:22
77:22 78:6 83:1
91:1,11 92:25
100:19 101:10
108:15 111:22
118:24 119:6
134:14 141:12
142:24 143:11
147:25 152:12
157:5 161:11
164:3 167:7
169:23 171:9
172:15 175:13
177:3,19 189:1
193:25 238:3,6
240:25 241:12

242:8,21 246:1
247:19 250:20
252:2 253:18
261:11,13

counsel's 11:7

count 121:19,20
242:18

counter 75:20

country 216:25

COUNTY 261:3

couple 9:23 26:5
42:9 102:17
112:10 120:16,17
127:8 135:13
140:3 142:18
170:6 183:17,20
192:2,21 202:5,23
216:21

court 143:24
150:18 153:10
261:4

courtesy 246:6

cover 20:3 44:7
67:15 137:2
149:16

covered 21:11

covers 44:17
149:13 173:15

COVID 243:24

COVID-19 206:25
210:22

create 12:22 21:5
59:10 81:10,11
106:25

created 9:10 12:3
18:9 138:7

creating 135:15

credit 18:10 57:3
221:4

credited 18:17

criteria 97:14,15

criterion 8:23

critical 171:15
210:6

critically 71:13
218:3

criticism 70:16

cross 9:24 16:10,
14 37:14 43:10
45:18,22,24
46:22,24,25 48:24
49:1 50:16,22,25
52:9,11 54:24
55:1,4 64:18,20,
22 96:14,19,23
100:19 108:15
111:21 116:20
125:24 126:1
134:14 141:3
145:13 147:25
152:7,10,20
156:22 157:1,4
159:9 161:10
164:3 167:9
169:25 174:21
175:12,15 177:2,5
190:20,24 195:8
196:7,8,12 197:6
200:8,10,13
229:12,15,17,22
246:1

cross- 169:22

cross-exam
151:18

cross-examination
16:8,12 37:18
45:20 49:3 52:13,
16 96:12,16 97:1
109:21,23 110:1,7
125:11 126:8
144:23 145:8,15
152:4 155:19,21,

24 157:8 164:1
167:5,7 169:21
170:8 175:11
176:7 177:1
195:19 196:14,16
229:14 230:24
254:11,15 255:9,
11,14,17,21
256:7,14 257:5

cross-examine
53:3 230:18

cumbersome
222:18

curious 29:19

current 11:19 12:9
13:23 14:2,19
58:1,24 83:11
90:5 105:23
171:10,15 179:13
241:22 242:5
244:17

currently-effective
25:10

cust 30:1

customer 7:3,5
12:5 18:21 19:21,
22,25 20:7 21:9
32:22,23 36:7
38:23 39:5,6,8
40:5,12 44:1,4
80:23 81:5,13,21
170:19 189:22
190:3 207:7
208:14 227:12,19
233:12

customer's 81:6
170:17

customers 6:24
7:1,13,17 8:21,25
9:2,9,12,14,18
17:10 19:12,16,19
20:7 21:3,5,21,25
22:3,17 23:21,23

32:24 33:19,22 34:4,23 35:15,16, 19,25 36:1 39:21, 23 41:3 44:15 57:7 70:20 73:4, 11,12 80:2,4,8,11, 12,19,22 81:4 82:2,10,12 85:23 90:4 94:24 97:10, 12,16,25 102:18, 19,20,21,25 103:5 113:24,25 114:17 117:14 119:14 192:12 208:14 211:7,9 212:14 213:4 219:10 227:3,15 233:11	73:8 86:2 178:8 209:17 243:8 DATED 261:17 daughter 83:17 day 69:9 132:16 184:22 197:4 237:19 239:20 250:22 261:17 days 9:23 26:5 116:2 132:19 228:15 234:15,18, 21 237:5,12,16 dead 206:3 deal 24:3 188:12 214:18 217:13 deals 207:22 214:19 debt 119:17 decade 114:9 120:17 182:4,5 decade-plus 120:18 December 8:15 decide 94:19 decided 137:12 207:10 decision 9:22 87:1 228:22 decisions 138:23 decouple 24:10 decoupled 45:1 decoupling 66:6, 17,23,25 68:10 decrease 60:2 182:12 202:16 232:11 238:12 decreased 14:12 decreases 216:9 238:21 239:10	decreasing 140:21 dedicated 79:22 deduct 121:20 deemed 75:2 99:17 deep 67:13 136:17 205:18 defer 126:15 145:22 deferral 73:23 deferring 85:8 216:10 defers 224:24 deficiencies 93:14 deficient 95:3 define 146:10 defined 192:5 definition 231:15 definitions 87:11 degree 209:20 deliver 82:1 114:10 delivering 6:21 delivers 21:20 delivery 6:19 delve 249:9 demand 28:19 29:4 80:15,17,18 81:20 85:24 86:12,16,23 89:1, 7,13 90:1,2,11 94:2,3 97:6,7,18, 25 99:23 102:7 111:11 113:2,9, 18,19 114:4 115:13,15 116:16 131:12 132:2 133:5,6 138:18	178:5,10 179:11, 16,19 180:6,11 184:1 185:16 186:23 189:10,23 203:12 205:17 214:14,15,16 demand-side 6:18,21 7:18 81:1, 3 213:10 215:16 demonstrate 133:21 demonstrative 251:11 denied 246:24 denies 5:16 deny 5:21 department 70:17 165:14 dependent 71:3,4 131:9 158:6 203:16 211:12 depending 142:19 178:2 217:10 depends 40:9 59:13 146:23 198:10 deployment 12:8 72:9 Depot 69:10 depreciated 28:15 depth 140:25 derive 84:25 184:1 describe 75:14 describes 183:18 description 87:8, 18 descriptions 87:10,20
customers' 9:1 19:13 20:2 34:20 80:9 cut 43:20 58:17 119:9 cycle 11:19,25 28:17 36:11 81:18 92:15 107:17 140:9 166:2 180:8,23 181:17, 20 200:23 201:15 205:10,12 223:13 224:5 226:20 239:2 240:24 241:24 242:3,4 243:7 cycles 181:16			
D			
darn 73:21 data 18:2,4 26:6 69:3 72:10,16 73:1 75:4 101:21, 22 130:4 165:13 168:17 234:16 date 62:20 63:6			

design 82:3 99:23 102:24 114:9 135:13 158:12 165:14 232:19	develops 101:23	directed 211:14	18:15 19:11,15,21 20:9,13,15 22:6, 14,16,23 23:25 24:20 31:23 35:22 36:9,17,22 39:20 41:4,17 42:5 53:17,20 54:7,17 55:19 56:7,9 57:24 58:2,23,25 60:22 61:6 65:17 68:1,24 74:19
designed 12:4,14 85:11 102:5 217:25 235:12	devil 84:7	direction 213:19	disincentivized 85:17
designing 85:7 86:23 132:23 180:1	dialed 11:6	directions 17:2	disposable 206:1
designs 122:24	dialogue 215:15 218:24	directive 17:9 23:20	disrupt 209:7
desired 87:9	diet 215:5	directly 58:9 72:22 121:1 238:23	distinct 57:19
detail 18:4 38:4 75:11 84:4,5 93:13 130:13,15 136:6 147:10 170:12 173:4,8, 11,13,16,19 174:5 178:2 186:17 188:20 226:8 240:11	differ 71:22	director 206:7	distinction 54:6, 16 217:9
detailed 18:1,2 34:18 84:24 128:20 129:22 147:8 193:5	difference 13:8,11 56:14 57:9 146:17 199:11 219:3	dirt 205:5	distribution 66:2 220:21
details 14:14 21:13 79:19 84:3, 7 121:12 127:9 135:19 181:11	differentials 36:8	disagreement 77:9 223:17	diverse 80:22 81:3
determinants 56:5 59:9,25 60:3,5	difficult 205:7,24 206:19	disagrees 12:1	division 162:19
determination 87:24	dig 18:3	disallowed 11:21	divorced 209:23
determining 128:18	diminishing 70:24 181:9 201:6 208:20	discounts 89:22	doc 250:8
detriment 85:10	Dippell 3:13 4:14	discretion 85:15 224:25	docket 78:12,13 79:1 92:10 139:20 182:10
develop 128:21	direct 9:8 42:7 49:22 53:1 58:4 61:18 62:4 63:15, 17 88:22 89:20 124:7 143:21 144:4,10,17,22 145:1,2 150:13 151:1,13,17,20,22 152:19 153:6,22, 25 154:4,7,14 161:22 162:7,21 163:18 164:18 165:2,17,23 168:7,19 169:11 174:25 176:12 182:14,19 194:4, 16 195:23 222:6 241:4 247:5 255:16,18,20 256:5,6,7 257:5 258:8,9,13,20,21 259:4,7,12,13,18, 21,24 260:4,6,12, 21	discuss 79:20 95:21 235:23	dockets 66:21
developed 61:7 102:9	directed 9:8 42:7 49:22 53:1 58:4 61:18 62:4 63:15, 17 88:22 89:20 124:7 143:21 144:4,10,17,22 145:1,2 150:13 151:1,13,17,20,22 152:19 153:6,22, 25 154:4,7,14 161:22 162:7,21 163:18 164:18 165:2,17,23 168:7,19 169:11 174:25 176:12 182:14,19 194:4, 16 195:23 222:6 241:4 247:5 255:16,18,20 256:5,6,7 257:5 258:8,9,13,20,21 259:4,7,12,13,18, 21,24 260:4,6,12, 21	discussed 4:18 74:22 84:3 93:10 94:16 95:5,16 108:24	document 71:20 91:5 99:6 225:15 242:10 249:11,13, 16
development 54:11 119:19		discussing 36:2 131:20 241:7	documents 249:6 250:8,17
		discussion 5:19 6:14 21:22 57:24 58:23 62:2,3 76:9 95:18 114:22 147:8,11 188:2 212:5 235:13	dollar 19:11 71:14 220:14
		discussions 61:4 72:17 75:18 189:8 204:24 205:10	dollars 20:8 21:10 25:11,22 69:16 70:21 81:22 84:21 108:23 109:1,2,3 135:7 206:1,8

door 207:25 208:7 209:7	earlier 21:25 43:18 76:22 102:20 103:22 114:6 131:20 137:10 148:7 171:9 180:19 222:13 227:6 229:3 234:11 239:8 243:20 247:24	200:1 202:13 203:12 208:3 215:9 216:1 218:14 232:18	15 212:16 222:12 235:2,5
double 18:25 163:15	early 77:4 106:5	effectively 7:20 61:9 70:5 75:23 199:20 202:6 203:15 205:6,18, 21 206:12 207:14, 21 209:6 211:1,8 212:14 214:5	efficiently 6:24 7:1 17:11 80:3,5,8,10, 13,20 81:13 82:13 84:12
doubt 29:6	earn 218:19	effectiveness 33:6,8 112:14 137:6,23 142:2	EFIS 78:13 92:17 251:2
dozens 12:10	earnings 7:15 71:15 79:23 118:15,17 158:21, 25 198:15,20,23, 25 203:25 220:12	effects 22:6 76:14	Eichholz 85:20 86:5 167:20 168:1,9,13,14,18 169:12,20 171:7 173:3,24 174:8, 11,13 256:6 260:6,7
drive 135:17 138:6 179:16 186:19,22 187:18,21 243:16, 18	easier 11:11 72:11 240:13	efficacy 112:11 132:24	elect 24:4,5,6
driven 128:3,13 210:18	easiest 68:6	efficiencies 106:25	elected 61:23 62:20 66:7
drives 113:20 188:11	easy 13:1	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	electing 61:21
driving 135:14 137:5 185:3 187:24 190:16 211:3	economic 54:11 56:2 119:18	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	electric 7:8 80:25 182:3 220:17
drop 89:2	economics 220:23	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	electricity 7:4 34:9 84:12 89:15
dryers 69:13	economies 202:11 212:23 213:7,14	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	element 137:7 198:15 210:9
DSM 9:2 101:24	economy 67:7 122:9,12,13	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	elements 89:5 103:9
ductwork 71:3 208:9	educated 139:18	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	Eleven-step 222:22
due 9:16 41:5 54:19 61:21 132:5 210:20,21 249:6	education 86:14	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	elicit 58:18
duly 16:5 45:15 46:19 48:21 50:13 52:6 64:15 96:9 109:18 125:8 143:16 150:8 153:2 162:1 164:22 168:2 174:18 176:4 195:16 222:2	educational 83:16	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	eligibility 172:1,2
<hr/>	EEIC 7:24 13:1,7, 12 109:2 170:16, 21,23	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	eligible 98:13
E	effect 76:14	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	eliminate 112:6 208:24
<hr/>	effective 29:11 36:11 82:6 89:10 103:4 107:21 114:8,11 115:6 116:15 130:1 138:20 187:23 199:5,6,8,24	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	eliminating 233:13
E-I-C-H-H-O-L-Z 168:13	effectiveness 33:6,8 112:14 137:6,23 142:2	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	elimination 94:10
e-r 150:21 165:9	effect 76:14	efficiency 7:15,23 20:16 23:22 25:14,16 27:15 28:19,21 33:9 34:22 54:20 55:25 66:11,12,17 67:7 68:10 70:23 79:22 80:23 81:7 85:7 86:14 87:15 88:21 90:15 95:1 97:11 101:21,24 102:23 115:17,25 120:2,5 121:17 135:5 136:21,25 139:1 153:17 170:12 171:22 173:5,11, 25 205:7 206:10 214:9,22 217:11, 16,17 220:6,10,11	EM&V 3:25 9:24, 25 10:5,23 12:13, 14 14:2 37:25

38:9,11,17,20 41:3 71:7,11 72:18 74:20,23 75:8,23 105:12 106:3,10 114:21 134:23 135:23 158:13 204:4 248:9 email 183:17,18 employ 105:6 employed 150:22 153:14,15 162:16 165:11,12 168:15 employee 261:11, 12 employs 105:22 enacted 8:17 11:24 104:1 encourage 7:8 10:2,4,21 23:22 81:25 82:4,12 114:24 encouraged 189:14 encouraging 7:5 end 5:24 10:19 28:3 84:2 86:3 95:20 133:19 147:5 180:2 184:16,19 185:7, 23 188:17 195:10 221:11 247:17 end-use 37:1 129:1 184:23 185:1,13 endorsed 8:7 energy 6:24 7:1, 14,15,23 12:12,21 17:10 20:16 25:16 27:14 28:18,21 33:9,24 34:22 42:21 54:8,19	56:11,16 57:20,21 66:11,12,17 67:6 68:10 69:14,17,24 70:2,6,17,23 74:20 79:21 80:3, 4,8,9,12,17,18,20, 23 81:7,13 82:12 85:7 86:14 87:15 88:21 89:9,10 90:11,15 95:1 97:10 101:21,24 102:6,23 113:1,9, 18,19,24 115:8, 17,25 116:11 120:2,5 121:17 135:5 136:15 138:19 139:1 153:15,16,18,20 162:19 170:12 171:22 173:5,11, 25 184:19 185:15 186:19 187:4 192:10,12 199:12 205:7 206:4,7,10 207:24 208:16,20 214:8,22 215:7 217:11,15,17 220:10,11 232:4 energy- 208:17 212:15 energy-efficient 7:3 206:19 engineer 69:22 70:6 81:12 162:18 engineering 150:25 enhances 6:25 80:4 enrollment 133:12 ensure 6:23 80:1 94:24 enter 63:15,18 163:16 166:22 169:10 174:24	176:10 entered 183:9 194:7 entire 59:9 90:7 156:13 249:10 entirety 15:14 93:9 entities 211:2 entity 199:20 entryway 135:16 environment 25:15 120:22 Environmental 26:8 envisioned 234:13 EO 147:14,15 198:9 EO-2015-0055 78:12 79:9 EO-2018-0211 3:22 8:8 248:8 EO-2019-0132 8:14 EO-2024-0020 3:15 248:18 equal 6:18 59:21 112:12 equally 112:7,9 137:14 equates 233:12 equation 31:20 115:20,22 116:16 equity 186:6 187:11 equivalent 146:13 214:17 215:10 ER-2024-0187 165:24 166:1	error 217:18 220:7 errors 12:18 essential 87:4 essentially 24:10 33:13 61:20 129:18 192:24 establishes 18:8 estate 67:14 estimate 69:23 70:6 106:7,22 132:10 239:11,13 240:7 estimated 81:11 84:22 106:7 237:9,10 estimates 187:6 evaluate 27:5 33:8 56:22 141:20,23 142:1 234:19 evaluated 68:25 148:17 evaluating 14:21 108:3 115:1 130:1 evaluation 3:23,24 4:1 18:6 87:22 106:23 107:6 142:5 233:10 248:11 evaluations 106:9 248:8 evaluator 105:24 106:17 evaluators 105:22 106:13 223:4 Evening/morning 35:19 event 133:16 events 12:22 90:6 178:9,21
--	--	--	--

eventually 56:3 223:9	EXAMINATIONS 254:7 255:7 256:3 257:3	21,23 64:8 124:12,17,25 125:2,17,21 165:18 166:14,22, 24 167:1,2 168:21,24 169:2, 6,10,13,15,17 174:24 175:4,6,8 176:17,19,21 194:3,15,20,21,23 196:3,5 247:9,10, 12 251:16 252:4, 6,21 258:2 259:2 260:2,11,20	134:8 207:9
Everygy 8:15,18 201:20	examples 120:7, 16 121:11	existed 23:19 59:10	experienced 31:21 136:14
everybody's 57:15,16	exceed 149:6	existence 9:7 83:6	experiencing 81:20 120:3
everyone's 183:4	excess 24:25 89:16	existing 22:17 37:3 99:20 133:8 179:9,12	expertise 118:6
evidence 47:22 50:3 63:22 64:7 92:17 125:1,20 139:20 145:5 152:1 154:18 155:15 163:22 167:1 169:16 175:7 176:20 194:22 195:11 196:4 241:17 251:24	excited 83:17	exists 20:18 41:14	expired 14:19
evolution 94:20	excluded 19:1 22:18	expand 89:6	explain 65:18,20 118:10 181:15,19 205:2 213:24 220:7 222:8 226:18
evolve 94:17 202:9	exclusively 142:8	expanded 89:8	explained 88:22 101:16
evolved 14:21	excuse 38:10 121:22 124:1,10	expanding 90:5,7 133:15	explains 89:8 94:12
evolving 71:21	exemplar 87:5	expansions 90:1	explanation 58:13 87:21 118:7
exacerbate 26:19	exhibit 47:15,16 48:10 49:19 63:16 92:16 124:3,4,5,6, 7,9 125:14,15,19 144:7,21 145:5,6 151:3,17,24,25 152:2 153:25 154:15,17,18,19 155:12,13,15,16 162:22 163:2,4,8, 16,21,23 165:21 166:18 176:11,13, 14 183:9 240:24 241:12,22,25 242:1,13,23 247:4,5,6,7,21,25 248:2,3 250:24 251:5 258:1,3,5,6, 7,9,10,11,12,13, 14,15,16,18,19, 20,21 259:1,3,4,5, 6,7,8,10,11,12,14, 15,16,17,18,20, 21,22,23,24 260:1,3,4,5,6,12, 13,14,15,21,22	expect 7:8 138:8, 10	explicitly 43:24
exact 105:18 159:24 187:15 234:20 235:8 242:11	examination 43:16 55:15 76:6 108:19 119:3 141:16 143:21 148:4 150:13 153:6 162:7 165:2 169:23 173:1 191:20 204:20 220:3 222:6 246:16 254:11,16, 20 255:10,13,15, 16,17,18,20 256:5,6,7,8,12,15, 16 257:5,6	expectation 28:10 140:19	exploring 205:9 215:17
examination 43:16 55:15 76:6 108:19 119:3 141:16 143:21 148:4 150:13 153:6 162:7 165:2 169:23 173:1 191:20 204:20 220:3 222:6 246:16 254:11,16, 20 255:10,13,15, 16,17,18,20 256:5,6,7,8,12,15, 16 257:5,6	exhibits 47:19,21, 23 50:2,4 63:20,	expected 9:2 131:18 179:17 182:5 185:16 188:8	express 24:14
		expecting 30:4	expressed 128:6
		expedited 238:6	extending 182:6 201:8 202:3
		expenditure 179:21 184:20	extends 84:5 217:11
		expenditures 34:4	extension 83:12, 15 94:15 180:7,8 181:18 201:9 243:8
		experience 30:2,5 31:13 44:22 107:8	extensions 11:19, 25 72:2 83:7 93:22 241:24
			extent 67:16 72:1 73:9 115:2 120:12 132:22 149:4,5 202:6

extrapolate 60:1	fans 81:8	246:19 248:19,21, 25 249:7	flawed 188:22
extreme 28:6,14 209:3	fascinating 120:10	filings 237:10 238:7	fleshed 182:10
extremely 206:18 208:15 215:8 249:8	Fast 203:8 212:13	fill 185:11	flexibility 85:15 180:4 181:23 188:12 222:17
<hr/> F <hr/>	father 207:11	filtered 79:19	flexible 120:22
	fear 203:13	final 64:11 78:5 106:10,11	flow 142:20
FAC 56:14	federal 156:11 172:5,6 213:12 233:21,24	finally 86:18 87:21 90:9 133:1 147:14 248:16	flush 53:5
face 203:1,21	feedback 102:14 108:5 221:5 225:1,2 226:7 234:23 235:9,13, 15 236:2 237:5	financial 6:23 7:11 14:12 17:14,23 80:1	focus 79:21 148:21 187:19
facing 26:3	feeds 184:5	financially 261:14	focused 79:18
fact 31:2,7 36:20 89:23 136:12 206:6 241:16	feel 73:20 134:7 214:13	financing 205:3 206:22 207:3 210:4 216:25 217:8,9,15 218:4, 12	folks 136:15
factor 18:10 54:14 60:3,4 128:5,18 131:2 181:5 209:19	felt 4:23	find 12:14 29:10 35:8 70:23 98:7 208:3 217:22	follow 17:2 32:2 75:7 119:24 161:1 191:22 197:12 212:4 223:11 235:25
factories 54:13	figure 22:5 57:14, 18 83:5 90:25 137:15 139:16,21 182:17 183:13 197:12 205:17 212:22 219:9	fine 5:7 77:8 91:12,22 105:21 122:8 182:25	follow-up 216:21
factors 59:4 71:5 107:10	file 79:9 151:1 224:1 228:8,18 229:2 244:16,19, 23 245:1 251:2	finite 75:11	footnote 165:24, 25
fail 94:14	filed 3:24 8:9,11, 12,13 78:14 91:5 92:11,17 98:15 103:16 144:4 224:1 229:25 230:8 232:2 244:23 248:8,10, 11	firm 150:25 153:16	footprint 127:24
fails 84:18	files 238:2	fiscal 3:23	forecast 25:12 27:23 28:10 127:12,15,16,19 128:4,11 129:7 130:8,10,22,25 134:9 232:2
failure 206:13 212:12,15	filing 3:15 98:2,3,4 128:17 228:3 230:3 240:12,13	fit 5:6,18 91:9	forecasted 129:13
fair 20:19 240:17		five-plus 182:7	forecasting 127:14,20 131:11
fairly 135:6 178:25 188:9		fixed 9:19 18:23 19:4,14,17,22 20:3,10 123:4	foregoing 261:7
fall 100:12 107:25 132:12,14,16,25 149:1 178:22 184:11 185:17		fixed-cost 8:1	foresee 233:24
familiar 5:4 69:8 108:10 136:8 170:23 231:2 236:4,7 238:8 240:6,24 241:22, 25 242:4 249:9		flat 24:24 57:1 132:7	form 102:2 236:1
families 81:14		flatter 25:18	forthcoming 4:17
			Fortson 183:8,15 192:23
			Fortson's 182:20
			fortunate 201:19

forward 8:4 68:12
73:6 85:22 86:1,5,
8 88:24 104:4,12,
15 108:7 114:15
139:4 143:13
178:7,13 180:13
185:21 187:4
201:7,11,18
202:2,3,14 203:10
208:11 212:2
213:10,13 215:12,
16 218:4 219:7
221:18 223:16
226:14 235:2,5,
14,24 236:12,13
253:19

found 49:19 98:5,
19

foundation 197:1,
2,5

fourth 243:12

frame 11:23 197:9
237:9,11 244:9

framework 244:9,
19 245:3

frankly 62:25
212:20

free 94:13 114:16
121:18,20,25
245:14

frequently 139:18

fresh 119:7

Friday 229:25
230:9

friendly 9:24 53:1

front 22:10 65:22
71:25 238:20
240:15

frustrating 213:8

full 9:21 12:7
94:13 133:24

fulling 133:25

fully 140:25 182:9

function 9:8

functional 209:15

fundamentally
57:17

funded 156:15

funding 156:4,8,
17 159:22

funds 202:7
203:16 211:14

furnace 233:5

future 12:19 27:4,
5,20 59:8 220:19,
20,21 233:25

future-ready
120:22

Futures 153:15,
19,20

G

gain 104:3 223:1
227:2

gains 238:2

gaming 81:24

gamut 233:7

gap 156:17 159:21
160:1,7,8

gas 220:17,21

gather 229:20

gave 57:3 149:10

GDS 150:24

gears 67:23
121:16 213:23

general 13:3 36:7
57:25 58:24
132:18 146:10

generalizing
199:13

generally 27:17
57:21 66:16 67:13
140:13,16

generation 26:9,
10,20 28:15 29:6,
7 85:5 220:20

generators 192:15

generically 116:5

genesis 137:8

Geoff 21:23 64:14
195:15 254:18
256:13 260:12,13,
14,16

Girardeau 199:17

give 5:23 32:20
51:21 56:14 59:25
61:17 105:18
111:5 112:15
120:7,18 123:12
135:4 137:18
180:25 183:11
187:7 214:11
226:22 227:9
232:21 239:11
240:7 245:9
251:6,21 252:8,25

giving 146:21

glasses 124:6

goal 13:13 79:21,
24,25 80:24 81:2
90:10 102:16
139:2 180:2
188:17

goals 87:24 89:13
232:4

gobbled 211:1

God 212:24

going-forward
183:14

good 3:2 6:5,9
11:3 16:25 17:1
29:4 30:20 48:17
51:14 52:18,19
60:16,17 68:5
71:3 74:16,17
76:20 77:18 78:2
88:16,23 92:2
93:4 96:5,15 97:3,
4 101:1 110:9,10
113:22 126:10,11
134:20,21 136:16
142:16 143:8,23
145:17,18 150:1,
5,10,15,16,17
152:24 153:8,11
157:10,11 159:13
160:24,25 161:23
162:9 165:4,5
168:9,10 171:7,8,
17 181:18 189:6,7
190:1 193:14
195:6 196:18,19
201:15 204:22,23
216:13,16 217:21
230:16 246:12

gosh 212:10

gotta 212:22 219:8

granted 20:18

grants 201:12

granularity 193:1

Graser 10:4,23
38:3,21 42:8
46:11,16,18
47:12,17,18
114:20 240:3
254:12 258:16,17,
18

great 33:1 75:11
77:17 92:1 114:2
139:7 149:14,17
152:21 188:12
251:25 253:12

greater 36:8 93:13		hard 22:4 27:11,16 28:20 57:14,18 71:7 83:6 216:13	253:21
greatest 90:14 112:21 187:21	H		hearings 79:18 251:15
gross 18:12 42:4 59:4 74:24 76:11 166:2,7	H-U-B 150:21	Hari 13:25 48:20 254:14 259:21,22, 23	hearsay 249:16
ground 249:16	H-U-L-L 162:14	harm 31:12 194:10 209:10	heating 184:24
grounds 249:5	Hahn 10:13,15,18, 25 11:4 16:22,24 29:12,13 60:13,15 62:5,6 82:23,25 83:3,21 84:1 92:8, 19 93:5 115:14 134:17,19 139:25 140:1 171:4,6 172:9,12 182:16 254:4,9,16 255:4, 14 256:8	hate 180:25	heavily 180:25
group 80:22 139:13 153:15,19, 20	Hahn's 140:4 141:19	head 38:5 51:22 111:9,16 117:9 160:3	held 133:16
grow 137:5	half 9:20 30:2,5,8, 11,13,21 38:7,8, 14 57:9 218:8 224:5 239:2 240:23 243:9	headache 214:19	helped 25:18
growing 115:10	hand 22:18 70:15 182:21 225:11	heads 5:23	helping 6:24 17:10 80:2 81:12 94:18
growth 24:24 25:13,15,19 26:7 30:3,5,8,11,12,13 31:14,24 44:6,7, 13,20 54:1 56:1 67:8 120:3 132:5	handed 225:11	healthy 214:4	helps 32:4 71:13, 15 80:7 104:15 116:12 117:16 208:24 229:9
guarantee 217:24 218:1	handling 137:17	hear 86:18 130:17 145:22 148:7	Hernandez 3:8,10, 11 4:3,11 5:12 6:3,8,9,11 10:8, 10,11 11:9 13:14 14:7 15:25 16:9, 11 17:8 41:19 43:15,17 45:3,5 49:11 95:15 96:13 108:18,20 109:8, 10 125:12,23 126:1 141:15,17 142:11 175:21 193:19 221:15,19 222:4,7 224:13,17 229:11,13,23 236:17,20 239:14 241:2,14,16 246:5,8,14,15,17 247:2 254:3,11 255:10,15 257:5,6
guess 4:3 5:4,23 56:6 64:4 68:4 69:6,10 72:6 75:14 90:24 91:7 97:19 99:12 111:6 118:12 130:15,16 131:6,10 173:20 177:25 191:22 192:8 195:9 215:25 216:12 222:24 249:4	hands 73:16 115:19	heard 17:20 19:7 110:25 115:8,9 126:15 180:2	hey 70:19 206:2
guidance 41:10, 14,22 104:4 139:12	hands-on 127:1,2, 7	hearing 10:9 14:25 15:5,22 21:17 22:1 37:9 46:8 47:12,20 49:14 50:1 51:5 55:8 62:7 63:21 64:6 65:9 74:1 77:23 82:17 85:19 88:4 104:15,20 111:25 124:24 125:19 140:2 145:4 151:25 154:18 155:14 160:12 163:21 164:12 166:25 167:17 169:14 172:13 175:5,23 176:18 178:5 179:24 193:21 194:20 196:3 201:20 229:14 230:1 246:4 247:10 248:1,14	high 23:10 24:16 27:6 28:3 117:18 120:11,13,19 121:3 135:6 137:19 147:5 148:25 193:4 227:11 231:17,22
guidelines 172:2	handy 35:7		
gutting 44:11	happen 19:24 28:7 115:11 122:25 132:18 139:16 182:5 228:21		
gymnastics 73:18	happened 206:24, 25 209:17		
	happening 121:10 186:21		
	happy 23:13 32:2 88:2 95:7 111:17		

high-efficiency 89:22	55:6 58:3 63:2 64:5 65:7 76:2 79:2,15 92:4 109:13,22 119:2 124:1,18,23 142:25 143:20 144:20 149:18,25 151:16 154:13 155:10,22 156:19 160:16,18 167:15 171:2 172:22 200:15 204:17 219:24 220:2 247:20 248:5,16 249:3,19 250:18, 21 252:20 253:13	households 90:15	identified 47:16 84:23 103:7 106:9 144:6 151:2 224:8
higher 20:11 59:23		Huber 51:17 91:24 149:21,23 150:3, 7,15,20,21,22 151:17 152:15 255:18 258:21	identify 3:17 102:12 124:4 184:6,9,18 185:2, 13,22
highlighting 218:8		Huber's 151:20	identifying 8:23 184:16 185:6 187:12 188:14
highly 48:4 137:25 195:24		huge 205:24 211:9	ignores 59:4
highly-differentiated 40:6		Hull 85:20,22 91:25 161:19,21, 25 162:9,13,14, 15,20 164:1,12 256:4 259:24	ignoring 56:18
hire 107:11		Hull's 163:18	illegal 8:6,16
historical 30:19 31:2,11 158:9		humans 116:9	Illinois 71:18
historically 71:6 75:20,22 76:10 134:9	hope 46:12 60:19 130:13 167:21 212:2	hundred 35:18 43:3 69:18 78:8 210:1 240:9	illustration 30:1
history 23:24 94:18	hopeful 51:11	hundreds 12:10 13:23 239:13 240:17	immediately 251:22
hit 21:15 73:3,17 206:25	hoping 65:17 67:19 81:14	hurdle 210:10	imp 105:24
hitting 201:6 208:19	horizon 142:9 250:4	HVAC 70:25 71:2 80:14 199:12,13, 15,21 205:23 206:15 208:6 210:25 226:24 233:5 243:23	impact 17:23 19:19 22:23 26:9 33:19,22 35:21 58:12 59:11 65:21 67:6 70:13 73:13 99:23 112:13 129:23 132:23 140:22 211:4 215:8 231:6 232:6
hold 127:18 140:18	hot 132:19 206:17	HVACS 205:19,20 206:12 212:11	impactful 113:17 114:11
Holsman 229:4	hour 7:21 18:21 19:2,4 40:7,10,18 100:3 129:16 130:22,23 131:4,7 184:22 218:7	hypothetical 29:25	impacting 70:13
Holthaus 51:3 177:11 191:4,15 256:11	hourly 128:25 129:7 130:11	<hr/> I <hr/>	impacts 7:11 17:13,15 20:6 56:2 72:22 84:4 121:13 122:25 129:4,17 138:3 250:2
home 61:9 69:10, 16 83:17 136:14 208:8 209:14 232:25	hours 18:19 100:3,5,14 110:17,19 111:7 121:3,4 126:18,20 127:23 130:17,20, 22 131:13 133:7 166:3,6,7 178:24 184:10,12,13,14 185:4 190:7 230:10	i.e. 8:25	imperative 84:22
homes 156:12,16 160:6 207:2 209:5	house 209:8 210:9	idea 28:18 56:10 61:11 76:25 207:14 215:17 226:22 242:2	implement 15:16 81:1 105:13,20 107:9,11 137:15 190:9 212:13
honest 215:15		ideas 218:23	
honestly 139:8 209:19			
honor 45:9,19 46:14,24 47:14,25 48:6 49:16 51:15 52:15,25 53:7			

235:16	impossible 57:18	incentivizing 179:17 190:3	incorporate 39:19 225:2 234:22 235:9 236:2 237:4 245:17
implementation 87:9,25 90:14 99:23 103:14 105:8 106:11,16, 17,18 109:4 199:21 222:24 232:3 234:12 237:12	improper 58:19	incent 80:12	incorporated 101:22 102:4,6
implemented 222:11	improve 26:21 137:6	inception 233:21	increase 31:9 42:13 44:11,13 56:4 60:9 89:6 208:6 223:1 229:5,7 232:11 233:1,2 243:24,25
implementer 101:19 105:8,9, 10,11,19 107:11 201:1 209:12	improvement 89:3 116:1	include 26:15 30:7 34:22 87:7 90:3,6 93:25 102:14 117:10 118:17 146:25 147:2,18 148:8 158:13 173:7 198:14 233:5,6 244:7 251:10	increased 31:10 54:15 70:19 81:5 140:9 149:3 178:14 180:23 200:23 210:19 227:1 243:23
implementers 102:8 103:15 105:5,12 106:5 107:3,4,13,17,25 208:2 210:7	in-service 11:18 65:16,24	included 25:10 35:18 76:15 92:14 98:24 99:8 101:18 103:20 106:11,14 119:21 129:2 130:2 135:8 136:3 146:20,24 147:11, 12,21 149:11 169:5 173:11 192:23 231:12,18, 19,22,23,25 233:2 239:12 244:3	increases 34:1 42:14 44:17,22 54:1 60:2 222:17 238:10,17,21 239:8,10 243:16, 20
implementing 85:17 99:21 108:7 210:15 211:20 239:5	inability 188:19	includes 101:24 108:3 117:24 129:17 146:8,9, 13,14 147:15 148:23 222:23 233:4 239:22 240:8 248:20	increasing 44:4,5 60:3
implements 105:7,8,24	incented 146:16	including 87:8,22 103:23 160:6 214:9 245:12	incredibly 57:11
implicit 24:14	incentive 9:17 14:12 87:13,16,20 99:4,5 103:16,17, 21,23 104:4,5 118:4 137:1 146:12,14,22 147:7 148:10,25 149:2,12 222:20, 25 223:24 224:7,8 226:25 227:2,8,9, 11,24 228:2,6,7, 17,25 229:1,2 231:9,12 232:8,9, 10 233:23 238:9, 10 243:2,11,15,16 244:2,5,22,24,25 245:5	income 171:14,19, 20 172:4 206:1 238:11	incremental 19:18 20:8 146:14,19,23 148:9,10 149:6,8, 9,11,13 196:23 231:10
importance 14:1 178:14 185:20 188:5,18	incentives 6:23 7:1,13 17:10 23:21 24:8,13 80:2,9 98:23 122:14 146:21 147:1,6 148:13,24 149:7 179:9 190:12 198:5,24 231:6,18,22 232:1,6	income-eligible 86:7 89:20 94:1 171:10 174:2 227:7 232:22,23 243:22	incumbent 208:2
important 9:6 17:7 18:7 19:6 26:11, 12 28:4 30:24 31:3 33:3,21 34:15 36:20 71:13 112:10 115:22,24 116:12 142:4,6 179:25 180:13 181:5,12 182:2 186:5 190:8 202:24 205:1 206:23 217:9 218:3	incentivization 86:13		incur 30:6
	incentivized 81:7 85:5		incurred 86:2
	incentivizes 7:2		independent 71:10
			INDEX 254:1 255:1 256:1 257:1 258:1 259:1 260:1
			indication 84:13

individual 232:5	input 235:4	interactive 76:14	202:7 203:16 211:14 216:9
induced 17:24	inputs 102:1 188:5	interdependent 211:23	IRP 3:14 25:10,12 29:8 34:16,18 42:20 43:5 127:15,16 128:19, 21 129:8,19 130:9 198:17 248:20 249:22 250:6,12
indulge 252:21	inquired 32:19	interest 7:13 94:24 217:24 218:20	IRS 57:5
industrial 102:21 186:4	inserts 102:10	interested 207:24 213:18 261:14	isolate 67:6
industry 182:4 210:23	inside 232:25	internally 223:5	issue 3:5 4:17 5:10,18 6:12,14 10:1 11:8,17 15:3, 15 22:24 41:6,9, 18 43:22 51:12,22 57:11 62:25 76:15,23 77:1,20 78:5 85:19 87:1 93:6 214:19 229:12 230:4 239:15 241:4,6 254:2 255:2 256:2 257:2
ineffective 85:8	insight 235:22	interpolation 123:19	issued 8:14,15
inefficient 55:24	install 7:3 39:11 57:7	interpretation 12:2	issues 5:2 55:23 73:2 75:13,21 76:10,13,16 78:5 93:12 198:22 207:20
inflated 13:21,22	installation 89:20	interrelationship 138:22	item 3:21 92:9,11 170:17
inflation 12:6 31:22 210:20	installed 38:23,25 39:6 56:12 59:6 70:11	interventions 214:12	itemized 238:19
influence 59:17 67:10 129:25 211:14 223:1	installing 32:22	intractable 37:5	items 119:19
inform 71:13,15 72:18 86:25	instance 14:13 59:22 94:12 243:21	introduce 68:8 212:15	iterations 66:14
information 58:18 83:8 113:23 142:10 154:10 155:7 163:7 165:20 166:13 169:5 183:23 223:3 229:21 250:10	instances 223:17	intuitive 206:14	
informed 134:9	instructed 17:3	intuitively 31:4	
infrastructure 6:19	insufficient 85:1	invest 85:5	
inherent 19:23 20:24 29:8 44:1	insulation 233:7	investment 7:18, 24 31:22 44:3,14 94:25 186:1,6 187:19 205:24	
inherently 7:5	insurance 28:1,5, 12,13	investments 6:18, 19 9:16 42:15 43:25 44:18 66:2 85:9 211:10	
initial 11:17 192:21 248:19 249:6	intake 215:6	investor-owned 213:2	
initiate 228:13	integrated 101:22 128:16 129:10 153:17	involve 226:11	
initiatives 213:12	integrating 34:17	involved 207:22 210:13 238:23,25 245:12	
innovative-type 107:19	integrity 209:8	IRA 19:25 20:16, 24 21:2 171:18	
	intended 116:13		
	intent 14:22		
	intention 185:7		
	interact 9:25 10:5, 24		
	interacting 70:13		
	interaction 10:2 108:6		
			J
			J-E-F-F 144:1
			J-E-F-F-R-E-Y 150:21

J-O-R-D-A-N 162:13	32:5,7,12 34:25 35:1,5 37:7,12,14, 16,17 41:23 43:9, 11,12,13 45:5,10, 17,21,24 46:2,5,7, 11,15,21,25 47:3, 5,7,10,11,19 48:3, 8,12,14,16,23 49:2,4,5,6,7,9,11, 13,21,25 50:6,8, 15,19,22,25 51:2, 4,8,18,20,24 52:2, 8,10,12 53:6,11 54:22,23 55:1,4,7, 11,13 58:8,9,20 60:11,12 62:6,9, 10,11,12,13,14 63:8,12,19 64:1,3, 6,10,17,19,21,24 65:1,2,4,8,11 73:25 74:5,9,11 76:4,5,18,19 77:2, 5,9,12,15,18 78:2, 8,15 79:2,5,7,11, 13 82:16,20,21,22 83:23,25 88:3,7,9, 11,13,15 90:17,22 91:6,13,17,19,23 92:2,6,21,24 93:1, 2,5 95:9,12,23 96:1,2,5,11,15,18, 19,21,23,25 98:9 100:17,18,21 101:1,3,5 104:18, 22,23,24,25 105:1 108:13,14,17 109:10,14,20,25 110:2,3,4,5,6 111:18,21,24 112:2 116:18,21, 22,24,25 117:1 118:22,23 119:1, 25 122:18 123:1, 23 124:11,16,21, 24 125:4,10,17,25 126:3,4,5,6,7 134:2,12,13,16	140:1,7 141:1,5,6, 7,8,9,10,11,14 142:13,16 143:3, 8,18 144:24 145:2,4,8,10,11, 12,13,14 147:24 148:2 149:19 150:1,5,10 151:19,24 152:4, 6,7,9,10,11,12,14, 17,24 153:4 154:16 155:13,20 156:21,24,25 157:2,4,7 159:7,8, 11,13,15,16 160:11,17,19,21 161:9,10,13,14, 15,18,20,23 162:3,6 163:17, 19,20,25 164:2,5, 7,8,9,11,14,16,19, 24 165:1 166:22, 24 167:4,6,9,11, 12,13,14,16,20,24 168:4,6 169:10, 13,19,22,25 170:3,5 171:3 172:12,17,19,21, 23,24,25 174:9, 10,20,22 175:4, 12,15,17,18,20,22 176:6,8,16,24 177:2,5,8,10,12, 13,14 180:15,21 182:22,25 183:10 188:23 189:3 190:18,19,23,24 191:1,2,16,17,19 193:10,11,14,20 194:1,8,14,15,19, 25 195:1,6,18,20 196:2,10,13,15 197:20 198:1,2 200:5,6,7,9,10,12, 13,16,19 204:5,9, 11,13,14,16,18, 19,24 216:19,20,	23 219:12,16,18, 21,23,25 221:9, 17,23 222:4 224:14,15 229:13, 16,17,19,24 230:7,8,12,16,20, 22 236:21 239:17, 24 241:8,9,13,15, 18 242:12,15 245:21,22,25 246:2,3,7,9,12 247:8,14,17,25 248:13,23 249:1, 20 250:15,19 251:1,4,12,17,21, 25 252:1,3,8,11, 15,18,19,24 253:2,5,9,14,17 254:10 255:12,15 256:10,14,15 judicial 3:14,18,21 78:9,11,23 79:2,8 248:15,18 250:16 July 8:11 261:17 jumped 252:9 June 3:24 248:10, 12 jurisdiction 170:11 jurisdictions 173:4,7,13,19,25 justice 127:6 justify 211:17 Justin 194:4,5,6, 17 259:4,5,6 <hr/> K <hr/> keeping 103:3 171:15 215:25 253:9 key 210:6
------------------------------	---	---	--

keynote 206:9	knowing 56:17	211:12	legally 235:17
kick 91:11	knowledge 41:10	larger 72:1 205:13	legislative 61:3
Kiesling 4:14	131:7 144:18	211:1	213:17
85:21 86:8,11	151:14 154:11	last-minute	lend 190:15
170:25 174:12,14,	155:8 163:9	229:24	lends 190:11
17 175:1,2,3,11,	166:15 169:7	late-filed 251:4	length 200:23
23 225:25 256:9	173:14,18 237:18	law 44:3 53:2	lessons 203:8
259:18,19,20	Kolkmeier	law's 17:9	letting 31:23
Kiesling's 174:23	100:23,24	lawful 61:22	level 12:12 23:10
224:10 225:3,16	kwh 57:1,2,3,8,9	lawyer 22:25	24:16 59:10 70:17
kilowatt 7:21	59:6 185:14	23:14	71:1 72:12 87:12
18:19,21 19:2,4	<hr/> L <hr/>	lawyers 23:3,15	89:12 114:16
40:7,10,18 121:3,		139:15	115:7 117:18
4 166:2,6,7	label 33:12,13	lay 119:11 197:1,4	120:11,13 137:19
kind 28:9,24 29:6	124:21	lead 71:23 73:23	139:12 148:9,13,
30:18 31:15,23	labor 87:14	101:9 177:18	23 156:12,17
32:18 40:2 51:21	lack 84:3,4,5	league 140:15	172:5,6 173:10
52:23 53:17 60:24	209:4	leakage 208:8	193:1,4 227:12,15
73:16 75:13 77:5	lacking 84:8	lean 116:2 213:11,	levels 89:16 112:4
83:6 91:8 97:5	lacks 250:10	14	208:13 228:25
119:25 121:16	lag 20:19,20 31:13	leaned 71:9	229:2
126:23 128:6,9,18	44:7,18	leaning 32:19	leveraging 90:10
129:3,9,13 130:24	laid 61:18 117:12	learn 217:6	Liberty 66:7 213:3
132:20 135:12	119:20	learned 14:20 63:6	liens 210:9
138:22 146:9	Lange 11:13 12:4	203:8	life 28:16 70:12
147:20 177:18	14:17 51:9 52:5,9,	learning 120:22	206:5 221:13
178:12,20 179:8,	18 53:8 55:8,17	leave 72:6	lifestyle 214:21,23
10,17,20,21	58:22 60:16 62:19	leaves 89:3	light 72:22 89:23
180:4,7,17 181:5,	64:10 67:4 254:15	led 82:3 188:21	93:20 94:5 202:5
6,15,18,19 182:8,	259:7,8,9,10	239:6	205:15,20,22
9,17,18 183:12,	Lange's 11:20	LEDS 89:24	lighter 214:6
14,19 184:1,3,6	63:15 64:1	left 185:8	lighting 86:16
185:1,7,10,12,18,	language 11:21	legacy 209:9	89:19,22
22 186:3,11,13,14	61:19 85:13 117:6	legal 22:24 23:7	lights 81:8
187:4,7,14,24	lap 191:8,11,25	41:20 61:24 62:1	limit 53:10 89:19
188:15,19 189:19	large 26:6,7 89:15	65:23 68:19 236:5	limited 87:23
190:8,15 192:24	94:25 102:21	238:3	161:4 174:2 178:9
193:3 200:20	122:13 201:9		217:16 239:15,19
249:5	largely 9:23 27:12		
kit 26:13 80:19	71:9 206:16		
114:7			
kits 83:16 86:15			
135:5,16 138:4,10			

limiting 188:16	load 12:11 24:24 25:12,15,18 26:7, 9,13,16,21 30:3 31:14 44:4,6,12, 19 54:1,10 56:1 59:15,18 67:7,10 115:9 120:3,6 121:17,21 122:2,3 126:24 127:12,13, 20 128:1,4,7,12 129:1,4,7 130:12 184:13,14 192:14, 17 250:6	looming 205:14	Lozano 45:7,11,14 46:9 81:18 83:14 97:22,23 100:9 109:12,14,17,23 110:9 111:19 112:3 116:18 117:5 118:21 123:24 124:2 126:13 133:12 136:6 137:11,22 140:11 145:20 254:12 255:11 258:8,9,11,12
limits 117:6	loads 44:1 129:24	lose 79:21	Lozano's 124:5,7, 8,9
limp 12:9	loan 206:7,8 218:15	lost 7:22,25 34:6 54:2 66:10,24 67:3 71:13 79:24 220:10	LRAM 67:1
Lindbergh 120:19 121:3	located 187:17	lot 18:2,4 21:1 26:24 27:18 66:21 67:5,14 69:23 70:9,22 73:5 79:22 107:10 114:11,20 115:8,9 130:15 137:3,4 139:17 147:10 202:19 203:1 205:25 207:3,7 208:12,25 210:22 217:12 218:11 243:23	Luebbert 50:9,12 51:5 85:21 86:19 175:24 176:1,3, 12,14,15,25 180:17 188:23 189:6 190:17 191:6 192:4 193:8,9,12 200:21 201:5 254:14 256:9 259:12,13, 14,15,17
Lindsay 249:4	locational 187:3 192:7,9,16	lots 29:9	Luebbert's 129:15 176:9
linear 123:18	locked 181:21	Louis 199:17	lunch 51:25 77:3, 4,14 95:16
lines 180:18 200:21 224:19	locking 182:6 201:13	low 135:6 147:5 148:25 171:14,19 172:4 190:12 202:23 203:3 211:16 217:24 218:21 227:11 238:11	lunches 245:14
LINHARES 15:2 16:13 37:11 45:23 47:2 49:6 50:24 54:25 62:11 65:1 74:7 88:9 96:17 104:22 110:2 116:21 126:3 141:5 145:10 152:6 159:11 160:18 164:6 167:11 170:2 172:18 175:17 177:7 190:22 200:9 204:13 219:20	logic 44:2 211:25	low-cost 232:25	<hr/> M <hr/>
list 76:15 78:5 83:14 90:23 95:20 159:10 209:24 221:12 223:8 242:8 258:22	long 72:5 78:13 83:18 129:12,16 142:9 186:24 210:1 214:20 223:7 228:10,16 231:9 244:24 250:5	low-income 171:11 172:1,7	M-A-R-I-N-A 165:8
listed 92:11 98:21, 22,24,25 99:13 207:13 241:11	long-term 182:1 214:8 215:1,2	Lowe's 69:10	macro 115:7
listing 184:22	longer 28:16 56:20 60:21 89:23 92:14 140:13,16 237:23	lower 34:2 43:6 69:19 140:9,14,17 149:8 180:23 181:3 200:23	made 7:10 13:13 26:24 27:17 42:12,13 47:24 48:11 50:5 53:9 57:12 59:1,3 63:24 64:9 94:14 121:6 125:3,22
litany 209:25	longevity 185:19	lowered 227:8,11	
live 5:1,6,9,11,21 89:21 193:17 195:9	looked 25:23 26:1 75:22 103:13,24 113:21 191:6 192:2 217:22 233:1 240:5	lowering 215:23 216:7	
living 71:20		lowest 8:24	
LIWAP 158:4,21		lows 27:6	
LMP 185:14 192:6, 13			

137:22 145:7	making 36:21 70:9	95:6 179:4,7	200:24 209:16
152:3 154:19	73:6 103:3,21	193:16,17,24	249:17,23
155:16 163:23	116:6 160:8	195:8,12,15	maximize 102:17,
167:3 169:18	170:10 199:23	196:18 197:23,24	18 103:2
175:9 176:22	202:2 210:8	198:4 200:4,5,20	maximizing 103:4
182:12 194:24	225:25	204:5,22 212:4	maximum 159:3
196:6 202:16	manage 25:24	213:22 216:18,24	181:22
209:2 212:5 221:2	26:13,21 81:19	219:13 220:5	meaningful 73:23
223:7 226:24	85:11 229:9,10	221:10 254:18	211:20 216:10
247:13 248:4,6,19	managed 21:6,7	256:13 260:12,13,	means 9:14 41:15
magnitude 185:19	101:11	14,16	59:24 102:22
maintain 227:14	management	Marke's 21:23	223:2 243:3
major 12:12	213:10 215:16	22:10 93:11	meant 56:24 205:2
146:15	managing 81:25	157:13 189:9,14	measure 7:3
majority 102:20	82:5 101:14	195:21 197:11	38:23,25 39:16
185:8 211:8	manifest 26:18	marked 154:15	42:6 56:12,13
219:10 228:7	manner 6:25	155:12 195:23	70:8,12 72:12
238:17,18 239:7	73:23 80:3,8	market 101:19	75:2,10 87:17
make 9:21 13:16	179:6 211:20	102:2,13 199:19	89:21 98:12
14:10 17:14,15,	Manual 12:11	211:2 216:4	132:20,21 136:23
18,21 26:10 28:25	13:22 14:2 69:3	market alternative	146:19 149:11,13
29:24 31:25 34:14	MAP 128:22	s 213:11	186:12 199:5
44:3 51:17 54:5,	MAP-LEVEL 129:5	marketing 158:13	208:5 227:24
16 78:24 85:2	March 132:18	209:16	232:18 234:8
92:4 95:1 104:5,	134:5 249:23	marking 194:3	measure-plus
12 112:24 114:25	margin 12:10	match 31:17	98:23
116:13 120:13	35:20 37:1	253:16	measured 7:20
121:24 136:24	marginal 187:3	matched 30:16	68:25 87:23
137:2 138:5,23	192:7,9,16	matching 31:15	measurement
158:16 162:25	Marina 85:20	101:12	18:7 56:23 69:4
165:21 166:10	164:21 165:8,16	materialize 208:4	87:14
168:24 177:22	256:5 260:4,5	209:21	measures 37:25
179:10 181:10	marinate 26:25	materialized 27:19	38:10,11,16,18,19
188:16 192:4	Mark 4:14 85:20	materials 209:9	39:7,11,23 55:25
194:7 197:24	170:25 174:17	math 22:1	57:7 59:5,8,11,16
212:9,22 214:1,8,	256:9 259:18,19,	mathematically	70:14,25 75:9
13 221:3 222:11,	20	54:6,10 55:18	87:15 88:25 90:15
12,16 223:22,24	Marke 32:19 33:10	mathing 22:1	92:13 98:12,15,
227:4,14,18	64:11,12,14 65:18	matter 4:12 31:8	17,19,21 99:8,11,
228:3,14 234:6,9	74:16 76:8,20	148:10 162:21	13,17,19 129:1
235:2,4 242:24,25	93:20 94:9,17	184:2 199:3	130:11 137:15
251:9,15			140:23 185:3,23
makes 11:22 26:7			186:21,22 187:16
179:22 202:7			
206:13,18			

188:16 210:19 212:22 214:25 215:24 219:11 232:13,25 233:16, 18,22 234:2,5 239:12 mechanism 6:13 7:19 8:2,6,8 11:10,11,14,20 12:3,5,19 13:19, 23 14:6,10,18,19 15:17,18 17:18, 21,24 24:8 29:21 30:10,15 35:22 36:9,23 39:21 62:1 66:6,13,20 67:3,11,14 68:1,3, 24 mechanisms 24:12 61:22 medical 214:2 MEEIA 6:15 7:7 8:15 9:15 14:21 15:16 19:8,15 21:8 23:18,24 24:7,11,12,15,17, 23 25:2,8,12,17, 23 26:15,19,23 28:1,16 30:4,10, 22 34:10 36:11 42:21 43:2,6 61:10,20,24 66:10,24 67:15 68:20 79:23 80:6 81:2 83:5 84:21, 23 85:3 86:4 88:20 89:13 90:11 93:18,20 94:4,17 104:2,10 106:23 110:22 111:3,8 112:4 114:1,18 115:5,6 117:6,13 119:12,21,23 135:3 136:1 140:9 156:6 161:3,5 166:2 171:13,17,	18,22 172:3 180:23 181:16 201:15 205:14 206:18 211:23 220:9,19 222:11 223:13,23 224:5 226:4,20 232:12 233:14 250:12 meet 9:1 14:22 82:9 84:15 102:6 227:12 232:3 meets 34:17 megawatt 134:24 135:2,7 232:4 megawatts 131:17,22 133:10, 20 members 38:9 memorized 133:19 memory 22:11 127:3 194:8 mental 73:18 mention 180:5 189:18 mentioned 14:7 15:19 26:5 76:8 107:5 159:21 171:9 179:5 181:11 189:8 204:25 213:23 220:5,6 222:13 223:13 227:5 228:4,6 236:9 243:19 mercy 206:16 met 250:10 meters 12:18 methodology 8:3 metric 85:11	Michels 26:5 127:4 128:23 129:8 Michels' 131:15 middle 205:10 middleman 205:21 million 19:9 21:24 35:15 106:21 159:4 166:7 million-plus 73:4 mind 21:16,17,22 28:20 67:23 103:3 119:7 180:2 181:14 minds 71:22 MINI 254:3 255:3 minimal 208:22 minimize 81:15 202:19 208:24 minimized 211:5 minimizes 223:21 minimum 89:9 minute 157:6 241:5 minutes 230:11 246:7 misleading 216:3 mismatch 59:19 MISO 85:25 86:21 100:5 110:19 111:13 126:20 127:13,22,24 128:1,10 129:14, 24 130:7 131:3,13 132:16 133:7,22, 24 178:12 184:12 192:11 MISO's 128:7	mispronounce 221:20 misread 159:10 missed 194:3 Missouri 3:25 6:7, 11 7:2,23 8:20 15:1 16:8,12 25:17 35:16,18 37:10 45:18,22 46:22 47:1 49:5, 10 50:23 51:2 54:24 55:5 62:10, 15 64:25 65:5 69:25 70:2 74:6,8, 11 79:14,17 85:4 88:8 96:12,16,17 104:21 108:25 109:1,21 110:1 113:25 114:17 116:20 120:2 126:2 141:4 143:9 145:9 150:11 152:5 155:21 156:13 159:10 160:14,17 162:17 164:5,9 165:12 167:10,14 168:16 170:1,5 172:17,21 175:16,20 177:6, 10 190:21 191:2 192:19 200:8,14 201:17 204:12,16 205:11 206:9,10 207:5 211:9 218:9 219:19,23 221:16 228:1,21 229:14 246:24 248:10 261:2 Missouri's 7:18 9:9 88:20 115:5 128:7 158:10 159:1 231:19,24 misspoke 106:15 mistake 63:16
---	--	---	---

Mitchell 29:15,17, 18,24 30:24 32:3, 6 42:11 65:10,12, 14 73:24,25 101:3,8 104:14,19 108:22 159:15,16, 19 160:9,11 177:13,14,17 180:14,15 189:9 254:9,19 255:9,22 256:10	110:12 111:18 123:12 134:2 141:9 172:24 173:23 193:9 200:5 214:20 218:10 225:20 251:22 252:25	219:24 247:20 248:5,16,24 249:19,21 250:17, 18 252:20 253:1, 4,6,12,16 254:17, 19 255:3,13,16, 17,18,21 256:7	76:22 108:6,23 201:11 202:8,14 203:16 208:10 215:12,20 235:23 236:13
Mitchell's 105:5 161:2	moments 199:9	Moore's 114:6	MSD2 166:2
mix 101:12 132:20,21 186:22 239:9	money 21:1 41:3 56:17 75:11 160:5	morning 3:2 6:9, 13 11:4 16:25 17:1,2 48:17,18 52:18,19 60:16,17 74:16,17	multi-family 171:20 227:7 232:23 243:21,22
mixed 217:10	month 13:4,6 59:6,8 184:22 224:5	MORRISON 15:6 16:16 37:13 46:1 47:4 49:8 51:1 55:3 62:13 65:3 74:10	multifamily 94:1
Moberly 120:24	monthly 12:17 13:15 14:3	motion 4:13 5:21	multiple 60:4 70:7 148:15 239:19
model 69:15 136:10,18 217:21, 23 218:5	months 13:11 183:18,20 192:21, 22 224:6 228:19, 20 237:23,24	motto 62:23	multiply 56:12
modeled 106:18 231:16	Moore 45:9,19,21 46:13,23 47:14,25 48:6 51:15 52:25 55:6 58:3,15 62:16,18 63:2,10 64:5 65:6 74:12, 15 76:1 78:16,21 79:6,15,16 82:16, 18,19 83:22 91:3 92:4,7,21,23 109:13,22 119:2,4 122:18,19 123:5, 22,23 124:1,11, 14,18,23 142:25 143:4,20,22 144:20,24 145:1,3 148:5 149:17,19, 24 150:3,12,14 151:16,19,22 155:22,25 156:19, 21 160:15 164:10 167:15 170:6,9 171:1,3 172:22 183:2,5 196:25 197:7,16,24 200:15 204:17	move 47:15 49:17, 20 57:23 63:4,15, 18 72:16 73:6 92:18 104:4,12 124:2 125:13 144:20 151:16 154:13 155:10 174:24 176:10 178:7 195:22,25 201:7 206:19 213:9 218:22 219:7 232:22 235:5,13	municipalities 245:12
models 71:9		moved 18:14 66:9 109:1 203:10 207:20 223:16 226:14 236:12 247:21 250:13	<hr/> N <hr/>
modification 232:13 233:15		movements 25:16	naively 56:8
modifications 85:16 88:21 89:5 94:10		moves 163:16 166:22 169:10 218:4	name's 6:10
modified 87:5,7 89:19 94:1 198:14 234:6,9		moving 51:22	named 11:13
modify 216:14 217:6			narrowed 248:18
modifying 219:1			natural 76:21 220:17
Module 127:12,19 131:3			naturally 18:14 53:18,20 67:9 203:23
mom-and-pop 210:25			naturally- occurring 20:16 56:1
moment 24:16 43:11 55:14 98:9			navigate 139:24
			near-complete 12:8
			necessarily 4:20 24:19 59:18 68:6 123:16
			needed 12:15 14:15 26:17 30:20 31:5 115:6,18 187:18,24 223:21

228:18	northern 70:2	133:18 134:4	175:5 176:18
needing 26:20	note 9:6 48:3 248:7	149:3 166:5	194:20 196:3
negative 7:11 66:18 232:11	noted 84:7	170:21 187:15	247:10 248:1,14 249:2
negotiated 93:22	notes 122:20 194:9 261:9	198:12 199:14	objective 214:8
Neil 46:18 47:17 240:3 254:12 258:16,17,18	notice 3:14,18,21 4:13,19 78:9,11, 24 79:2,8 248:7, 15,18 250:16	206:23 207:13,17 210:25 240:2 242:20 244:17 252:12	objects 91:2
net 8:24 9:4,11,14 11:12,14 12:2,25 13:2,5,9,10 14:2 15:18 18:12 20:7 29:20 30:9,14 35:20 41:4,17 42:4,5 58:1,25 59:4 61:6 65:17 74:24 76:11 129:9 130:1 184:13,14	notification 224:24 239:3	number's 42:23 43:4	obligated 225:1
net-to-gross 18:10 211:16	notion 29:20	numbered 63:16	obligation 24:11 126:24 127:11 128:3,10,12 130:7
nobody's 21:2	November 132:17	numbers 57:9 121:6 123:16 131:15 160:4 198:17 199:15 240:15 247:4 252:4	obstacles 220:16
node 192:14,17	NRD 153:25	<hr/>	obvious 205:21 220:18
nodes 192:14	NRDC 15:5,6 16:15 37:12 45:25 47:3 49:7 50:25 55:2 62:12 65:2 74:9 88:12,18,19 89:2 96:20 104:23 110:3 116:23 126:4 141:6 145:11 152:8 154:19 155:16 156:22 164:7 167:12 170:3 172:19 175:18 177:8 190:25 200:11 204:14 219:21 229:15 255:19 260:20	O	occur 12:13 56:3 186:23,24 188:6 190:7 237:16
nods 51:13	NRDC's 77:13	O&m 44:20,21	occurred 18:14 68:3 226:19
nonenergy 114:12 117:6,10,12 119:8,12	NTD 11:22 61:23	oath 16:2 45:12 46:16 48:17 50:10 64:12 96:6 109:15 125:5 174:15 175:25 195:13 221:23	occurring 203:23
nonlighting 94:4	nuances 121:13	object 58:4 196:25 197:16 239:14 241:3 251:7	occurs 29:8 53:18 54:8 128:15 178:23 187:12
nonparticipant 33:16	number 11:8 12:5 19:10 27:20 36:19 38:2 39:23 42:25 56:13 59:8 66:1 68:15 75:21 76:9 78:13 98:2 105:18 128:22 132:14	objecting 249:4	October 8:10,12 78:14 132:17
nonparticipants 20:22 214:10		objection 41:19 53:1,12 64:7 78:23 91:3 95:25 122:16 123:2 189:21 236:17	offer 80:17 90:2 92:16 93:18,24 124:2 135:11 161:2 222:25 247:3 251:10
nonresponsive 63:5		objections 4:4 47:20 50:1 63:21 64:3 78:15 91:19 95:24 124:24 125:18 145:4 151:25 154:17 155:14 163:20 166:25 169:14	offered 47:20 63:20 84:13 98:17 107:24 125:18 131:3 140:8 151:25 154:17 155:14 161:6 166:25 169:14 175:5 176:18 180:22 181:2 200:22 214:6 247:9 248:1 250:24 252:5,16
normalization 41:5,18 57:5			
normalized 56:4 59:14			
North 200:2			

<p>offering 5:1 83:19 124:12,16 194:10 218:18</p> <p>offhand 62:23 98:3</p> <p>office 11:7,15 15:8 68:14 210:14</p> <p>office's 68:14</p> <p>official 237:21</p> <p>offset 26:14 44:13, 19,23 120:5 121:8</p> <p>offsets 31:12 121:17</p> <p>offsetting 70:14</p> <p>Oliver 207:4 218:7</p> <p>on-bill 216:24 217:7 218:12,13</p> <p>on-tariff 205:3 210:4 217:8</p> <p>one's 206:3</p> <p>one-side 26:4</p> <p>one-tenth 213:4</p> <p>one-year 72:2 93:22 181:18</p> <p>ongoing 39:16 179:19</p> <p>OPC 4:9 9:20,22 12:3 15:12 16:20 43:10 53:4 77:3 91:18 93:8,18 102:11 103:20 191:8 196:5 222:14 226:11,16 235:2 249:4,21 254:18 256:13 260:11</p> <p>OPC's 251:20</p> <p>open 209:8 215:15</p> <p>opened 66:21</p>	<p>opening 3:4,6 6:6 10:19 13:14 14:8 15:1,3,5,6,8 17:8 60:18 78:4,7 82:20 88:7,9,11, 14 92:24 250:23</p> <p>openings 79:10 254:3 255:3</p> <p>operating 54:13 70:22</p> <p>operation 53:23</p> <p>operational 128:9</p> <p>operationally 71:2</p> <p>operations 130:25</p> <p>operator 207:13</p> <p>opine 68:18</p> <p>opinion 41:2,16 68:1 223:4 228:1, 16 229:6</p> <p>opportunities 82:5 89:7 90:3 101:14 116:3 161:5 171:22</p> <p>opportunity 7:15 71:16 79:23 101:20 102:24 103:17 104:3 108:4,5 114:25 118:15,18 158:21, 25 198:15,20,23, 25 203:25 211:7 220:12 230:2</p> <p>opposed 218:23 237:11</p> <p>opt 97:10,13,16, 20,25 98:6 102:22</p> <p>opt-out 97:7</p> <p>opted 11:18,25</p> <p>optimal 11:23 182:18</p>	<p>option 24:3,5,9 52:1 66:5 97:8 212:16 216:15</p> <p>options 36:4 66:6 215:12</p> <p>orange 184:18</p> <p>order 4:17 8:14 27:8 44:13 78:12, 17,20 79:4,9 80:19 81:14 91:1 95:19 103:18 112:20</p> <p>original 24:7 41:22</p> <p>originally 226:6</p> <p>outcome 12:22</p> <p>outcomes 87:9</p> <p>outlined 83:13 97:15</p> <p>outlining 86:6,9</p> <p>outweigh 190:16</p> <p>overhead 135:6 196:22 202:19 203:25</p> <p>overlook 159:9</p> <p>overrecovered 41:5,16</p> <p>overrule 41:23 53:11 58:20 123:1 198:1 236:21 241:19 250:16</p> <p>overruled 63:9</p> <p>oversees 105:11</p> <p>oversight 91:4 211:19</p> <p>overwhelming 203:24</p> <p>owns 7:9 199:20</p>	<p style="text-align: center;">P</p> <p>p.m 253:22</p> <p>p.m. 40:7,23</p> <p>pace 51:9 207:3,4, 5,6 210:6,11 216:2 217:10</p> <p>pages 71:19 157:22 240:18 261:8</p> <p>paid 18:22 19:3 30:12 136:25 137:1 179:9</p> <p>painted 9:20</p> <p>pandemic 67:8</p> <p>papers 13:8 37:2 198:19 231:20,24</p> <p>paragraph 6:16</p> <p>paraphrase 52:23 53:15</p> <p>part 20:24 27:10 34:22 47:24 48:11 50:5 63:3,24 64:9 69:3 71:11 84:4 87:3 93:7 97:16 98:3,15,16 99:19 102:3,8 104:10 106:6 107:18 109:4 114:13 125:3,22 135:8, 14,20 137:2 139:2 145:7 152:3 154:20 155:17 163:24 167:3 169:18 175:9 176:22 180:9 189:13 194:24 196:6 205:12 210:20 222:11 235:4,18,19 239:3 245:9 247:13 248:4 249:25</p>
---	---	--	---

250:1	path 139:4,23 201:18 202:2 211:16 213:13	pending 36:6 114:1	periods 178:23 184:2
participant 33:14 117:22 136:24	path-dependent 201:14	people 19:7 20:14 56:11,13 69:9,19 138:20 205:25 206:14 208:25 209:4,18	permit 80:25
participant's 33:15	patterns 69:25 70:1	percent 25:13 30:2,5,8,11,13,21 42:21 43:3,5 44:17,18 57:4 78:9 89:9,14,16, 17 106:8,17,18, 20,21,24 107:1 108:8 123:9 128:24 140:22 156:11 158:5,11, 17 172:5 203:17, 18,19 206:12 210:1 212:11 217:24 233:11 245:14	person 97:21 117:19 238:2
participants 20:22 118:8 146:15	pause 71:12 198:21	percentage 106:19 112:21	personally 238:22,25
participate 39:22 97:17 103:1 179:18 189:23 207:11 227:3,16	pay 19:16 20:9,12 22:17 136:18,19 146:22	perception 218:11	perspective 22:21,22 23:2 26:4 29:19 33:15, 16,18 73:15 111:3, 113:21 114:4,21 115:7,23,25 117:20,24 127:5 203:3 206:18 211:19 213:9
participated 136:13	paying 9:17,19 32:23 85:3 102:23 121:7	percolating 24:21	perspectives 33:12 79:19
participating 32:25	payment 136:24 137:3,7	perform 70:9 71:1 134:25 136:4 139:4	phenomenon 20:17 21:4
participation 82:1 85:4 102:19 103:2,18 132:6 135:14,18 136:12 138:6 223:2 227:3,12,13,20 229:5,7,9,10 243:17,18	payments 199:24	performance 141:23,24 142:1 201:25	Phone 191:13
parties 51:11 55:24 78:25 79:20 94:6 201:16 221:2 237:20 249:21 251:6 261:12	pays 21:9 40:6 72:23,24 94:2 135:24 136:3,8,13 202:21 203:5 204:25 205:1,3,8, 11,19 206:21,24 207:7,10,12,18,22 208:2,24 211:6 212:5,6 216:4 217:1,2,3,5,23 219:1,6,8	performers 184:7	phone's 191:14
parties' 261:13	peak 100:5,12,14 110:19 126:20 127:20,23,25 128:1,3,4,7,11 129:16,17,24 130:8,10,20,23,25 131:4,7 132:20, 22,23 178:10 184:13,14 185:4, 24 190:7 214:19	performing 103:10 188:15	phrase 114:6 123:12
partnership 233:5	peaked 127:24	performs 135:22 139:21,22	pick 75:13
parts 3:17	peaks 129:24 132:15,18 178:14	period 31:11 59:9 141:25 178:21 181:9 237:5,12 243:8	picture 9:21 24:25 25:3
party 53:3			picturing 117:9 119:10
pass 70:18 135:3 203:8			pieces 127:5 157:23
passed 24:2,17 25:8,9 26:23			pike 27:14
past 27:17 28:24 72:17 78:10 81:10 106:9 127:1 233:10			pilot 107:18 108:1, 2,9
			pinpoint 188:20
			PISA 8:16 11:21, 22,24 12:2 14:20 15:14 22:21,22 23:19 24:2,6 42:14 43:19,23,25

44:3,5,8,10,12,16, 25 45:1 60:22 61:15,20,21,23,25 62:21 65:24 66:4, 9 68:21 pivot 180:4 place 30:10 57:10 58:11 68:4,17 73:8,13 114:18 116:10 179:12 206:13 208:1,9 210:5,17 212:11 215:1 216:8 230:9 232:15 239:1 240:23 241:10,11 243:12 places 138:6 217:3 plagued 209:25 plan 8:22,23,25 9:1,4 17:2 19:19 26:15 27:8 38:22 39:5,10,17 40:6,9, 17 65:16 77:19 85:3 88:21,23 89:2,6,8,18,23 97:15 98:16 101:23,24 102:6, 9,10,11,14,15,16 111:13 112:5 114:1,18 115:6 128:16 129:11 148:11,17,22,24 201:21 224:9 232:12 233:14 244:16 248:21,22, 25 249:22 250:4, 12 planned 131:5 planning 27:3 85:25 86:22 110:19,23 126:20 128:14 129:22 130:9 133:24	153:17 178:7 180:13 182:2 183:13 185:21 plans 39:11,22,24 73:12 103:2 115:5 plant 11:18 28:16 65:24 187:11 220:22 play 27:25 107:10 115:16,17 203:20 played 202:1 plenty 44:23 pocket 191:14 point 21:18 24:17 29:3,5,19 32:21 34:6,14 52:25 63:25 70:24 72:16 73:4,14,15,18,20 76:2 78:22 83:8 132:4 137:22 180:8 198:13 200:3 203:6 206:16 212:15 213:6 215:22 218:25 227:5 230:5 249:24 pointing 6:15 policy 6:17,22 28:2,5,12,13 pool 69:3 poor 205:5 popular 81:17 portfolio 34:23 80:6 81:4,19,25 82:3,6,7 83:20 88:24 93:21,22 94:5 101:11,14,18 105:14 106:8,19 107:12,22 128:24 129:5,6,25 130:12 135:4,9,13 139:3 141:21 147:15	199:7 201:9 223:5,6 242:3 portfolios 81:16 94:23 128:22,25 129:6,17 portion 5:2 7:25 9:13 19:14,22 105:25 106:2 146:22 158:25 portions 20:4 position 4:21 11:17 15:14 25:25 26:3,8,10,21 53:5 61:2,21 68:15 129:16 201:14 positive 232:10 possibility 181:4 185:25 possibly 102:5 246:5 post 199:2 post-hearing 253:19 post-pisa 60:23 potential 27:5 101:19 116:6 129:2 178:16,17 187:21 190:5,15 216:3,4,5 potential's 178:18 potentially 97:22 107:19 178:10 179:1 233:20 237:11,19 240:19 243:6 Poudel 13:25 48:13,14,17,18,20 50:6 254:14 259:21,22,23 Poudel's 49:18,22	poverty 156:12 172:5,6 power 213:15 powers 212:24 PRA 131:13 133:7 178:12 190:5 practice 69:7 208:12 practices 103:14 pre 68:20 199:2 precise 238:14 precisely 131:19 predated 23:19 predates 68:20 prefer 5:13 preference 194:14 preferred 5:8 8:22 9:4 26:14 33:5,6 66:16 101:23 prefers 5:5 prefiled 93:11 112:18,23 154:4 155:1 preliminary 72:17 premarked 162:22 165:18 168:20 176:11 premise 208:1 220:18 prepare 13:4 144:4 153:21 154:22 162:21 163:11 165:16 168:19 230:1 prepared 6:1 133:25 153:21 154:23 197:8 240:25
---	---	---	--

preparing 92:15 131:17	14:24 15:4,7,20 16:1,7,11,14,17, 19,21 29:13 32:5, 7,12 35:1,5 37:7, 12,14,17 41:23 43:9,13 45:5,10, 17,21,24 46:2,5,7, 11,15,21,25 47:3, 5,7,11,19 48:3,8, 12,16,23 49:2,5,7, 9,13,21,25 50:6,8, 15,19,22,25 51:2, 4,8,18,24 52:2,8, 12 53:6,11 54:23 55:1,4,7,11 58:8, 20 60:12 62:6,10, 12,14 63:8,12,19 64:3,6,10,17,21, 24 65:2,4,8,11 73:25 74:5,9,11 76:4,19 77:5,9,15, 18 78:2,15 79:5,7, 13 82:16,20,22 83:23 84:1 88:3,7, 11,15 90:17,22 91:6,17,19,23 92:2,6,21,24 93:2, 5 95:9,12,23 96:2, 5,11,15,19,23 100:18,21 101:1,5 104:18,23,25 108:14,17 109:10, 14,20,25 110:3,5 111:21,24 112:2 116:18,22,25 118:23 119:1,25 122:18 123:1,23 124:11,16,21,24 125:4,10,17,25 126:4,6 134:13,16 140:1,7 141:1,6,8, 11,14 142:13,16 143:3,8,18 144:24 145:2,4,8,11,13 147:24 148:2 149:19 150:1,5,10 151:19,24 152:4, 7,10,12,14,17,24 153:4 154:16 155:13,20 156:21, 25 157:4 159:8, 13,16 160:11,17, 19 161:10,13,15, 18,23 162:3 163:17,20 164:2, 5,7,9,11,14,19,24 166:24 167:6,9, 12,14,16,20 168:4 169:13,22,25 170:3,5 171:3 172:12,17,19,21, 23 174:10,20 175:4,12,15,18, 20,22 176:6,16 177:2,5,8,10,12, 14 180:15,21 182:25 183:10 188:23 190:19,24 191:2,17 193:11, 14,20 194:8,15,19 195:1,6,18 196:2, 10,13 197:20 198:1 200:7,10, 13,16,19 204:5, 11,14,16,18 216:20,23 219:12, 18,21,23,25 221:9,17,23 222:4 224:15 229:13,17 230:7,12,16,22 236:21 239:17,24 241:8,13,15,18 242:15 245:22,25 246:3,7,9,12 247:8,14,17,25 248:13,23 249:1, 20 250:15,19 251:1,4,12,17,21 252:1,8,11,15,19, 24 253:2,5,9,14, 17 254:10 255:12, 15 256:10,14,15	prime 105:7,9,10, 11,20 principal 150:24 153:20 principal-agent 76:15 Pringle 48:14 78:8,19 79:11 82:21,22 83:23,25 88:3,6 91:13 95:25 96:25 97:2 98:9,10 100:16 105:1,3 108:12 110:6,8 111:18 117:1,3 118:21 122:16 126:7,9 134:11,13 141:9 145:14,16 147:22, 24 152:11 157:2 160:21,23 161:8, 20 162:4,6,8 163:14,19,25 164:2,16,25 165:1,3 166:21 167:4,6,23 168:5, 6,8 169:9,19 172:24 173:2 174:8,10,21,22 175:10 176:6,8,24 182:22 183:4,7 191:19,21 193:8, 11 194:1,13,18,25 196:15,17 197:6, 13,20,21 198:2,3 200:4,7 204:9 219:16 255:4,9, 10,11,12,14,17,22 256:5,6,7,8,12,14 printed 157:23 prior 84:16 89:17 112:5 115:5 problem 32:14 37:5 51:19 67:4 73:20 90:23 91:7 209:18 210:2
----------------------------------	---	---

211:22	processes 104:1 107:6 116:10 223:14 226:3 236:10 239:1,6 240:22 243:2 244:13	159:1,25 161:3 171:15,18 177:20, 23 178:15 179:21 181:3 182:13 187:17 189:11,24 190:9 196:21 199:6 201:12,25 202:5,8,17,19,24 203:2,5,8,13 204:25 205:3,4,8, 11 206:7,8 207:10,15 209:23, 25 210:3,4,15 211:5,12 212:9,13 213:24,25 214:5 215:18,20,21,23 216:2 217:14,15 218:12,13,14 219:6 220:15 226:23,24 227:4, 7,19,25 228:21,24 232:5,6,8,14,19 233:1,4,12,17,21 234:2 243:22 245:10 248:7,11	24,25 94:11,13, 17,18,19 95:4 97:6 98:7 99:19, 20,24 101:11,13 102:5,25 103:3,8, 15 105:14 107:14, 16,24 108:4,7,24 109:4 111:12 112:5,12,13,20 121:2,8 122:9 123:7,8,11,13 131:13 132:3,23 133:6,14 134:25 135:15,17,25 136:1,3 137:23 138:21,22 139:4 140:8,23 141:21 146:7 156:6 171:11,14,17,19, 21,23 172:1,3,7 178:8 179:24 180:1,5,22 181:2 182:17,18 183:13, 25 186:18,22 187:16 188:15,16 199:23 200:2,22 201:7 202:9,13 203:11,22 205:6 206:10 207:1 212:21 215:25 216:25 217:16,17 218:25 220:6,10, 12,13,24,25 221:2 222:11 227:15,20 229:7 232:22,23, 24 233:18 239:5 241:1,11,23 242:2,4,8,18,20, 23 243:1,3,4 247:23 258:22
problematic 181:25	procure 127:18		
problems 61:19 137:4 207:5 210:7	produce 34:19 70:8 132:20,22 136:1 140:17		
procedural 90:19 139:17	produced 21:8		
procedurally 139:9,15	product 7:6		
proceed 3:4,6 78:7 79:10 230:19	productivity 119:14		
proceeding 144:4 151:1 229:21	products 98:13 113:23 199:22 206:20 218:22		
proceedings 3:1 163:12 165:17 168:19 176:10 261:7	profitability 7:10		
process 5:1,18 14:21 18:7 67:17 68:12 69:6 71:22 95:18,22 101:17 102:3 103:19,25 104:9,11,12,16 105:12 107:6,19 108:2 114:24 115:2 127:14 128:14 130:6 133:13 186:16 198:17 212:20 222:9,10,13,14, 18,20,21,22 223:8,19,20,23,25 224:2,23,24 226:12,15,19 227:1,6,23 228:11 229:6 231:6 234:7,13,24 235:1,3,4,11,12, 19,20 236:3,7 237:6,13,20 238:4,8 239:16,23 241:10 243:4 244:1,7,8,10,19 245:3,6,18 249:6	profits 84:20		
	program 3:23,25 5:2 20:12,23 21:19 22:3,16 27:15 38:1,10 39:7 40:12 68:9 72:21,24 75:3,10, 15 79:20 80:7,14, 15 81:10 83:12 84:6 85:25 86:4 87:8,10,11,12,16, 17,18,22,25 89:2, 11 90:2,6,7 94:1, 2,7 97:18 98:1,14 103:9,12 105:10, 18,20,25 106:2 107:9 108:1,9,23 109:5 112:6,14 117:17 118:1,2 122:13 133:23 135:22,24,25 137:14 138:3,6 140:18 146:2,3,5, 9 156:3,5,15 158:4,10,15,18,22	program's 141:22, 23 142:1	
		programmatic 89:5	
		programs 5:18,22 6:21 9:10,18 15:16 17:13 18:9, 12,16 19:8,25 20:17,21 21:11 28:19,21 30:4 33:9 34:5,10 39:9, 10 54:20 66:13 68:11 72:19 74:23 78:4 80:7,13,16, 21 81:1,9,16,20, 22,24 82:11 83:5, 11 84:10,13,21 85:7,10,18 86:7, 10,17,21,23 88:24 89:19 90:10,12 92:13 93:7,15,18,	
		progress 94:14	
		prohibition 234:1, 3 236:15	
		project 27:22 54:12 108:8	

projected 86:3 89:1,12 123:13 129:13 136:21 187:8	235:11	165:12 167:7 168:16 169:23 172:15 175:13 176:11,13 177:2 189:1 246:1 258:4,8,17 259:9, 12,14 260:15	40:11 43:18 53:10 55:18 58:17 62:16 63:3,4 65:23 67:20,21 68:5 72:7 82:24 99:10 100:7,12 103:11, 23 108:21 112:8, 25 114:2 117:16 121:15,24 122:6,7 130:14 132:11 137:9 140:12 141:19 148:14 159:23 161:2 166:17 173:9 178:2 183:25 204:1 205:14 225:24 231:21 235:6,8 241:21 244:15
projection 129:4 215:1	proposes 93:7	publish 127:23	questioned 173:3
projections 130:3 187:5	proposing 222:20	pull-push 211:21	questions 10:3,7, 9,17,22 14:23,25 15:21 16:22,23 21:13 24:20 29:14,16 32:8,9, 16 35:2,4 37:8,9, 10,12 42:9 46:8 47:12 49:11,14 50:20 51:4 55:8 58:7 60:13,14 62:7,8 63:11 65:6, 9,13,22 71:7 74:1, 3,13 76:3 82:14, 17 83:2 86:24 88:2,4 90:18,19 95:7,8,10 99:25 100:2,17,22 101:2,7 104:19,20 105:5 108:13 109:8 110:14,25 111:20,25 112:1 115:15 116:20 118:22 119:5,25 120:1 122:17 123:22 126:16 134:12,16,18
projects 44:7 66:3 120:20	proposition 7:16	pun 116:13	
promises 210:8	pros 66:23	purpose 39:14 87:8,19 111:13	
promote 90:10 205:7 209:22	prosections 218:2	purposes 110:23 111:8	
promulgate 60:5	protections 210:5, 17 218:6	pursuant 81:2	
pronounced 70:3	prove 249:17	pursue 216:13	
pronouncing 46:12 95:13 167:21	provide 13:8 24:1, 8,12 56:16 72:20 83:8 171:21 178:1 185:11 186:16 187:13 188:11 198:16 221:13 224:13,25 228:13 234:16 235:20,23 237:20 242:13	push 75:20 201:8	
proof 4:25 249:25	provided 24:10 102:11 114:20 186:12 197:18,21 241:12 242:8,21 245:11 250:9	pushing 181:3	
proper 211:18	providing 173:4 185:10 218:15	put 21:18 30:10 68:4 73:1 85:22 86:1,5,8 102:16 103:1 115:19 124:5 146:16 212:21 215:1 229:24	
properly 212:17	provision 23:23 44:2,12 68:21	puts 19:25 170:11	
properties 89:20	prudent 6:20	putting 56:13 88:23 116:9	
proportionate 39:23	PSC 170:20		
proposal 39:18 93:23 108:3 182:12	public 11:15 15:8, 21 16:19 46:5 47:7 48:1 49:3 50:20 52:13 62:8 64:2 92:24 94:24 100:5,19 108:15 111:22 118:24 124:19 125:14 134:14 141:12 147:25 152:12 157:4 161:11 162:17 164:3	Q	
proposals 93:19 102:4,5,9 107:15		quali 75:6	
propose 42:5 95:19 107:13,18		qualify 156:10,13	
proposed 8:2 10:3,22 11:10 17:5 54:17 81:2 84:10 88:20 89:22 93:15 94:11,19 107:16,25 108:1,3 112:20 113:18 159:1 188:19 204:3 234:24		qualifying 75:7	
		quantify 38:6,12 160:2	
		quarter 243:12	
		question 10:13 17:7 28:1 29:24 32:18 33:1 39:3	

139:18 140:2,4,6
 141:3,10 144:12,
 14,16 145:22,25
 147:23 148:2
 149:18 151:8
 152:14 154:6
 155:3,23 156:20
 159:14,18 160:12,
 13 161:9 163:3
 164:11 167:16
 169:1 170:7,19
 171:2,4,5 172:13,
 14 174:9 175:21,
 23 177:12,16
 180:16,20 188:25
 189:1 191:5,9,16,
 23 193:10 196:20
 197:22 200:6,16,
 18 204:6,8,9
 216:21,22 219:13,
 15,16,20 226:8,9
 246:3 254:4,9,10,
 16,19 255:4,9,12,
 14,15,22 256:8,
 10,14,15

quick 62:16 71:12
 97:6 155:23 170:6
 250:22

quote 41:5 93:20
 218:1

R

raise 149:12

raised 17:20 188:4

raising 75:21

ramifications
 68:19 236:5

Randolph 120:24
 121:2

range 27:5 99:6
 103:16,17 146:25
 148:24,25 149:1,
 16 224:8 231:17,

22 244:25

ranges 28:4
 103:21 148:13
 244:22

rank 112:19

rankings 113:5

RAP 128:22,24
 129:3

RAP-LEVEL 129:5

rapidly 182:3

rate 12:10 13:2,7,
 9,12 18:22,23
 20:2,22 21:3
 30:15 31:5,8 34:1
 35:20 36:4,6,10,
 18 37:5 38:22
 39:5,9,11,17,22,
 24 40:5,6,9,17
 53:23 54:2 56:5
 57:1,25 58:12,24
 59:2,3,24 61:14
 73:11 85:6 165:14
 217:24 220:25

rate-paying 88:25

ratemaking 19:23
 20:25 30:14 31:1,
 2 85:7

ratepayer 84:25
 85:18 187:21

ratepayers 53:22,
 23 84:12,17,22
 85:2,10,12,16
 179:18 181:21,23
 182:6

rates 12:6 18:20
 19:17 20:10 21:11
 30:13 35:17 36:6,
 11,13,15 37:1,3
 39:19 54:14 59:20
 60:5,6,7,8,9 65:21
 67:12 87:20
 215:3,8

ratio 82:7 211:17

rationale 205:13

ratios 203:9

rattle 128:23

reach 81:4 87:1

89:6,9 90:7
 112:13 211:7,8

reached 84:2

reaching 172:3

reaction 214:17

read 147:9 165:24,
 25 166:5,6 189:17
 225:19 244:14,21
 245:4

reading 124:5
 191:7 192:3 225:5
 253:19

reads 224:22

ready 3:4 6:8
 10:13 11:2 15:22
 32:13 37:17 51:11
 65:12 77:1 78:4
 79:14 82:23 83:24
 88:15 93:3 95:12
 101:5 134:17
 143:19 152:17,20
 153:5 159:17
 162:4 164:25
 168:5 177:15
 196:8 222:5
 225:22,23 230:18,
 19,23 246:14

real 17:7 31:22
 33:23 53:20 56:17
 67:14 71:12 73:9
 97:6 121:10,13,14
 170:23 210:6,11
 212:25

real-time 13:15

reality 11:12 68:17
 70:15 75:9 199:14

realize 14:16
 51:10

realized 9:8

realizing 54:4

reapply 36:19

reason 62:2 93:15
 116:11 190:1
 209:22 213:1
 217:3 243:15

reasonable 6:20
 7:7 71:22 84:15,
 23 187:6

reasons 93:10
 95:4 112:11
 113:16 205:8
 213:5

rebate 149:10
 211:12

rebound 55:24
 76:14

rebuttal 14:5 35:6
 47:17 49:22 63:17
 88:22 94:9 124:8
 125:15 154:23
 155:1,4,11 156:1,
 7 157:17 163:12
 165:17,25 168:20
 169:11 175:1
 176:14 194:5,16
 195:24 224:11
 226:1 241:5 247:6
 258:4,5,11,14,16
 259:5,8,14,15,19,
 22 260:5,7,13,22

recall 62:23 95:20
 98:3 105:17
 130:18 131:23
 179:5 247:22

receive 12:24
 94:25 99:3

received 55:20
 102:4,13 107:15

receptive 221:5	246:10,11,13	220:3 246:4,13,16	reflected 201:24
recess 77:24	247:13 248:4	254:11,16,20	reflects 68:16
recite 105:19	250:14 251:9	255:10,13,15,17	refrigerators
recognition 190:6	253:20 261:8	256:8,12,15,16	69:13
recognized 7:6	record's 43:4	257:6	refund 41:3 57:8
recognizes 7:21	215:19	reduce 7:9 18:17	regular 208:23
10:1	recourse 236:1,25	20:1 33:25 81:14	237:17
recollection	237:3	112:6 113:24	regulations 26:8
131:22	recover 18:14,25	116:12 137:12,13,	regulatory 20:19,
recommend 87:2	19:5,14 20:18,20	16 185:24	20 31:13 44:18
147:9 215:20	31:10 109:1,3	reduced 121:21	71:23,24 211:18
recommendation	recovered 41:17	122:1 123:13,14	rehousing 171:16
189:10 212:5,12	53:20,22 136:20	141:20	reject 15:13 84:9
227:23 235:21	recovering 21:10	reduces 12:18,20	93:9,16 95:2
recommendations	recovery 6:20 8:1	129:6	237:20
170:7,10 189:14	9:13 13:21 18:23	reducing 7:14	rejected 27:15
203:1,7	24:1 30:21 57:25	85:8 90:11 122:20	rejecting 24:9
recommended	58:10,23 61:11,13	137:12 178:10	rejection 84:10
219:7	66:1,10,25 84:17	reduction 12:7	87:3
recommends 89:4	87:18	57:4 111:11	rejects 227:23
90:9	recreate 59:8	130:12 131:12	related 24:19
reconcile 22:2	recross 37:9 62:7	133:5 190:5,7	59:16 72:23 82:5
31:17 61:19	74:2 104:20	192:12	127:15
record 3:3 5:13	116:19 118:23	reductions 7:12	relates 119:13,15,
11:5 42:24 43:1,4	141:3,11 160:13	18:24 19:1 54:18	17 192:12
47:24 48:1,11	172:14 188:25	178:6 179:2,16	relationship 128:6
50:5 63:24 64:9	204:7 219:14	184:1 185:16	relative 217:18
77:25 78:1,3	Recross-	refer 112:19	261:10,12
100:24 122:23	examination	170:24 192:11	relay 4:15,16
125:3,22 143:6,7,	62:17 74:14 105:2	231:8,14	relevant 241:6
9 145:7 150:18	117:2 160:22	reference 29:3	reliability 27:3
152:3 153:9	189:4 191:3	41:6 79:1 99:5	80:19 82:8 111:1
154:20 155:17	254:17,19 255:10,	197:10 240:12	114:3,14 115:16,
162:12 163:16,24	12,22 256:11	referenced 13:14	18,23
165:7 166:23	redesign 138:16	237:12 238:11	reliable 14:1
167:3 168:12	redirect 43:14,16	239:18 240:22	reliance 12:13
169:11,18 175:9	55:10,12,15	referencing 22:14	relied 23:24 44:6
176:23 183:9	63:13,14 76:4,6	referring 197:3,8	239:21
192:6 194:2,7,24	108:17,19 119:1,3	refers 99:2	
195:3,4,5,7 196:6	141:14,16 148:3,4	refile 104:5,7	
217:11 229:24	161:13 172:23	reflect 69:7 218:22	
230:13,14,15,17	173:1 191:17,20		
	204:18,20 219:25		

relies 13:23 39:21	report 13:4 78:12, 17,19 79:4,8 248:11 261:6	research 71:10 165:13 168:17	179:11,19 180:6, 11 183:19 189:10, 23 192:23,25 203:13 214:15,16 237:9
rely 12:17 44:8 82:9	reported 12:17	reserve 62:24	responses 117:4 144:16
remember 42:24 76:11 83:16 189:11	reporter 143:25 150:19 153:10 261:1,5	reserving 67:17	responsible 203:17,19
remind 143:1	reports 3:24 106:10,12 248:9	reset 75:8	responsive 63:3
reminder 143:4	representation 29:5	residential 13:3 18:21 36:1,3,7 40:6 80:15 86:9, 10,11,12 89:19 90:1,5 94:2,3 97:7,9 98:11,13 105:9 179:11 184:23,24 186:4 189:10,23 214:16 219:9	rest 63:4
remiss 179:25	representing 6:11 88:18	resource 9:4 12:11 13:22 14:2 26:14,15 33:3,5, 17 69:2 82:9 85:25 86:22 100:5 101:23 110:19 111:13 113:15 114:4 117:11 126:20 128:16 129:11 133:8 153:17 231:7	restore 17:22
remotely 150:4 152:23	request 78:11 228:25 229:20 238:6 240:25 246:24 248:6	resources 85:6 103:8 130:12 162:19 223:21	restored 31:6
remove 59:7	requested 85:16 226:25 239:6 247:23 248:17 250:17	respectfully 25:6 88:19	restrictions 87:21
removed 127:8	requesting 82:10 85:14 236:14	respond 4:24 5:15 100:2 230:6 234:19 249:12,22	result 7:4 9:10,15, 24 32:23 34:9 54:19 72:4 184:20 187:18 206:17 220:24
renew 15:1 16:12 37:10 45:22 47:1 49:5 50:22 53:1 54:24 62:10 64:24 74:5,7 88:7 96:16, 17 104:21 110:1 116:20 126:1 141:4 145:8 152:5 159:10 160:17 164:5 167:9 169:25 172:17 175:15 177:5 190:20 200:8 204:12 219:18 229:14	require 12:10 173:19 178:20 198:16 213:16 230:3 250:1,12	responding 191:8	results 17:14 75:4, 15 148:18 178:12 187:2 201:24 208:9 233:9
renewable 66:3	required 95:1 173:13,16 180:10 205:22 211:18 234:22 235:9,15, 18 244:6	response 28:19 58:6,15 80:15 85:24 86:12,17,23 90:2 94:2,3 97:6, 7,18 98:1 99:24 100:13,15 111:12 115:14,15 131:13 132:2 133:6	resume 153:24 154:1 193:24
repayment 218:13,15	requirement 8:24 9:5 30:17 31:19 33:25 34:2 129:10 130:2 244:2	resworn 221:22	retail 56:16 85:23
repealed 8:19	requirements 84:16 250:3,11	retain 44:12 137:24	retirement 26:10
repeat 10:19 39:2 99:10 124:14 227:17 231:21 244:4	requires 216:13 227:24 245:7	return 61:3 85:6 186:6 187:11	returns 70:24 181:9 201:6 208:20
rephrase 173:17, 20	requiring 184:20	revenue 7:22,25 8:24 9:5 11:13,14 12:2,25 13:2,6,9, 10 15:18 29:21 30:9,14,17 31:6,	
replacement 206:12 212:12 233:6			

18 33:25 34:2 56:16 60:2,3 66:10,24 67:3 129:10 130:2 220:11 250:2	robustly 128:15	run 160:3 203:13 209:17	186:19,21,23 188:6 201:4 202:10 205:17,18 208:4,10,21 209:2,22 217:25 218:1 232:3 233:2,11
revenues 24:4 30:6,12,16,20 31:16,17 44:5,20 54:15 59:1 61:13 71:14	role 115:16,17	running 81:24 129:20	scale 122:9,12,13 137:5 199:3 202:12 212:23 213:7,14
review 4:6 107:20 174:2 234:17 246:23	rolled 206:24	<hr/> S <hr/>	scaling 207:21
reviewed 156:10 173:24	rolling 205:10	S-H-E-R-W-O-O-D 153:13	scare 28:10
revised 183:21 253:7	rooftop 217:13	S-T-A-C-Y 153:12	scenario 129:20
revision 12:19	room 89:3	S-T-E-V 165:9	scenarios 29:10
RFP 102:3 107:5	rouge 12:21	safe 204:3	sch 183:15
rich 72:16 73:21 227:9	rough 239:11,13	sale 7:12 208:5	schedule 3:3 91:9 166:2 182:19,23 191:23 192:18
richer 72:10	roughly 142:19 228:15 233:11	sales 7:9 12:13 18:18 30:7 54:8 58:11	scholarship 121:2,8
rider 7:23 109:6 121:25 170:16,21, 23	round 133:18	Sarah 52:5 77:12 88:17 254:15 259:7,8,9,10	School 120:19 121:4
riders 94:13	rounding 217:18 220:7	save 69:15 70:20 120:20 136:18 179:20 206:4	schools 245:13
ridership 114:16 121:18,20	rubber 34:16	saved 19:2 120:25 121:4 233:10	scope 58:6 122:16 239:15,19 248:19
RIM 33:15,16	Rubenstein 77:12, 13,15,17 88:13, 16,17 90:17,19,21 91:21 92:1 96:21 104:24 110:4 116:24 126:5 141:7 145:12 152:9,18,21 153:5,7 154:13, 16,21 155:10,18, 20 156:23 161:14 164:8 167:13 170:4 172:20 175:19 177:9 191:1 200:12 204:15 219:22 229:16 255:5,20	Savers 35:20 40:12	score 69:17,24 202:23
RIMS 34:19	rule 104:8 217:24 239:25	savings 7:21 9:8, 9,12,13,15,18 14:3 17:23 18:8, 13,22 19:12 20:11 21:5 42:21 59:23 66:11,12 70:14 71:2 72:23 74:20 75:2,3 80:17,18 81:3,5 87:23 89:1, 7,10,11,12,13,14 99:17 112:21 113:2,9,18,20 121:8 123:14 132:21,22 134:24 135:2,7 136:2,17, 21 138:18,19	scratch 99:7
risk 12:20 26:19	rulemaking 61:4		sealed 208:22
risk-reducing 66:20	rules 8:19 117:6,9, 13 119:10,13,21, 23 197:3,9 198:16 230:3 250:1,11		sealing 233:6
risks 26:3,4,6,18 28:3,10	ruling 224:6 237:22		Sears 69:11
road 34:17			season 127:19 130:21 131:5 132:16,17 188:7
robust 34:18 102:2 107:5 129:22			seasonal 129:24 178:13
			seasonality 86:21

seasons 111:1 178:15 180:6,11 186:23	set 120:14 122:8 172:4 184:4 209:6 232:4	shift 103:17,19	similar 25:21 106:14 132:2,13, 14,24 140:4 144:14 158:10 163:5 166:19 169:3 171:21 208:15 227:6
seat 143:19 162:4 164:25 168:5 221:24	sets 13:2	shifted 20:21 21:3 103:9	similarly-situated 89:15
section 8:19 35:23 79:20 98:7 179:23	setting 207:17	shifts 20:24	simple 17:25 29:25 31:25
sector 102:10 219:9	settings 71:24 212:24	shocked 59:22	simpler 14:15
seeks 181:22	settled 192:16 221:1	short 114:19 129:12,16 246:6	simplify 57:12 67:17 68:12 101:17 104:10
SEER 199:12	settlement 83:13 92:10	short-term 181:18	simplifying 57:13
sees 81:5	Shah 206:6,11	shortened 7:24	simply 59:5 63:5 250:13
self-induced 7:11	shape 12:11	shorter 26:8,11 237:16	single 121:7 187:17
sell 61:12	shaped 128:25 129:17	shortfall 54:5	singularly 202:24 205:4
selling 34:9 57:21	shapes 129:1 130:11	Shortly 207:2	sir 50:10 83:24 96:3 110:13 147:22 159:17 162:3,5 177:15
send 102:1 209:11 223:3	share 223:3	show 142:20 207:4 218:7 252:16	simplifying 57:13
senior 165:13	shareholder 84:21	showed 233:10	simply 59:5 63:5 250:13
sense 73:6 179:10,22 181:10 188:16 202:7 206:14 221:2,3	shareholders 85:4,9	showing 13:8 193:22	single 121:7 187:17
sensitivity 73:2 231:18,23	shave 200:25	shown 215:8 216:5	singularly 202:24 205:4
separate 127:15 186:12	sheds 72:22	shows 41:4 242:23	sir 50:10 83:24 96:3 110:13 147:22 159:17 162:3,5 177:15
September 132:17,19 248:20	sheet 92:15 184:8 244:20	side 9:12,14 26:16 27:15 29:2,3,4 31:20 71:8 86:10, 15 89:13 97:12 98:11 114:4 115:14 201:20 207:14	sister-in-law 208:15
serve 26:16 34:23 44:3 89:24 94:5	sheets 87:5 173:24 185:8 244:6,16	sight 79:24	sits 124:2
service 13:3 35:16,19 156:5,18 162:17 165:13 168:16 215:7	Shelley 261:4,21	sign 69:14	sitting 211:10
services 226:23 245:10	Sherwood 88:23 89:18 90:4,9,20 91:15,23 149:23 152:18 153:1,8,12 154:22 156:1 157:10 161:16 255:20 260:21,22	signed 8:6	situation 67:19 135:21
serving 44:1,14	Sherwood's 89:4, 7,25 154:14 155:11	significant 28:3 135:2 156:16 159:21	SIX-B 257:2
		significantly 160:7	size 220:14
			sized 71:4
			skepticism 209:20
			skew 199:21
			slightly 190:1 192:15

slow 51:10	speak 43:24 111:2 117:18 130:13 177:19,22 219:2 238:23	split 203:15	196:14 204:8 219:15 222:14 226:11,15 228:13 229:18,19,25 230:18 235:1 245:23 252:3 254:13 256:4 259:2 260:2
small 13:3 81:12 90:3,7 133:9 206:20	speaker 206:9	spoke 58:9,11 103:22 234:11 238:22	Staff's 11:17 15:17 17:18,21 22:20,21 61:2,21 68:15 86:6,9,20 227:22 241:5
smaller 213:2	speaking 29:18 57:21 192:2 239:5	spreadsheet 131:16,21	Staff- recommended 62:1
smart 90:6	speaks 43:24	spring 100:5 110:19 111:13,15 126:20 127:11 131:8,13 132:15, 17,25 178:22 184:11 185:16	stagnant 228:24
smarter 62:25	specializes 153:16	St 199:17	stagnation 71:23
snapshot 101:20 127:16 141:24	specific 29:21 37:1 38:2,23 40:2 44:24 105:18 117:5 129:1 140:22 178:2 180:1 210:10 241:4	Stacy 88:23 153:1, 11,12 255:20 260:21,22	stakeholder 225:2 234:25 235:1
social 226:23 245:10	specifically 39:6 68:9 86:13 115:15 171:11 179:6 192:13	staff 4:5,21 5:10 8:5,6 9:20,22 10:12 11:7,10 12:3,4 16:17,18 18:1,3 36:25 37:15 43:18 46:3 47:5 48:23 50:4,8, 15,17 52:8 53:4 62:24 63:23 64:8, 22,23 67:16 74:4 78:11 79:11 82:20 84:6 85:17,19 86:19 87:2 91:13 95:25 96:24 102:11,19 103:20, 22 104:25 108:13 110:5 116:25 119:6 126:6 141:8 145:13 152:10 157:1 160:20 161:19 162:22 163:16,23 164:1 165:18 166:22 167:2,5 168:20 169:10,17,20 171:9 175:8,11 176:21,25 179:5 189:21 191:18 192:19 194:3,23	stakeholders 102:12 104:3,11 108:6 181:24 193:4 201:17,23 222:15 223:10,12, 15,18 224:25 226:5,6 234:17, 18,23 235:10 236:1,11 237:3 245:12 246:22
socialized 53:22 54:2	specificity 44:25		stalled 207:1
society 119:18	speculating 134:7,8		stand 13:25 45:11 49:18 53:9 86:19 90:20 91:15,24 125:5,13 143:10 161:22 174:23 175:25 176:9 195:8,12,21 197:18
solar 217:13	speculation 134:10		standard 66:15 70:18,19 94:3 233:22
sold 57:20	spell 68:10 143:24 150:18 153:9 162:11 165:6 168:11		standards 233:25
solution 114:13	spelled 153:12		
solved 54:7 55:19	spend 75:12 108:9,25		
somebody's 121:7	spending 84:21 203:24		
something's 69:20 121:10	spent 83:4 134:22		
sooner 63:1 213:20	Spire 220:9,10,12, 13,15,24,25 233:5		
sorely 84:8	Spire's 217:15,17 220:6,9 221:3		
sort 66:17 69:19 70:16 101:11 208:13 218:13			
sorts 209:9 212:24			
sound 31:4			
sounds 152:21 207:6			
source 7:22			
southern 69:25			
Sp 220:16			
spans 133:23			

standpoint 66:19 113:1,7	94:7 156:16 202:8,18 206:10 209:23 211:5 215:17,21	256:5 260:4,5	105:13,16,17
stands 16:8 45:18 46:22 48:24 50:16 64:17 74:23 93:15 96:12 109:21 125:11 174:20 196:7	statute 6:15 7:7 23:18 24:2,7,11, 12,15 26:23 43:24 44:6,25 61:20,25 65:24 68:20	stipulated 201:17	subject 37:25 38:9,11,17,19 40:15,21 59:17 158:7 159:5 216:8
Star 69:14,17,24 70:2 199:12 200:2 206:4 208:20	statutes 68:21	stipulation 8:7,9, 10,11,12 83:13 92:10 97:17 180:9 201:23	submit 127:13
start 6:14 77:20 81:8 119:5 124:6 186:17	statutorily 33:4 68:7	stop 21:12 208:18	submittal 98:16, 18 232:1
started 61:10 142:17 205:9 230:1	statutory 23:23 68:8	store 69:12	submitted 84:6 173:22
starting 6:12 14:5, 9 73:18 161:19	stay 228:24 229:1 234:2	straight 130:5 203:21	subsection 79:23
starts 19:11 215:17	stayed 120:10	strained 114:3	substance 249:13
state 6:17 31:1,3 35:14,17 114:14 119:13 143:24 150:17 153:9 156:9,13 158:6 162:11 165:6 168:11 199:13 219:1 261:2	stenographic 261:9	strategic 138:2,8	substantially 163:5 166:19 169:3
stated 9:22 103:13 119:23 156:7 226:3,6 232:9	stenographically 261:6	strategically 120:14	substantiative 191:5
statement 15:10 42:12 53:9 75:7 88:14 205:2 225:3,25	step 45:6 80:14 109:11 128:14 142:14 149:21 160:8 174:13 181:14 221:10 235:21 238:15,19 244:7,13,14,15 245:11,16 247:15	strategy 111:2	substantive 249:23
statements 3:4,7 6:6 60:18 78:4,7	stepped 48:15	stream 72:10	success 217:14
states 14:5 25:17 66:15 70:4 71:9 160:4 161:7	steps 222:23 228:5	stress 29:10 198:25	successful 18:18 205:5 217:1,2,4
statewide 68:9	Steve 100:10	stricken 5:13	sudden 8:4
	Steven 16:4 125:7 254:8 255:13 258:4,5,7	strike 4:13,23 5:21 63:4	suffice 77:7
	Stever 85:20 86:1 164:14,17,21 165:8,10,15,16 166:21 167:5,17	strongly 212:3 219:7	sufficient 156:4,8
		structure 36:18 58:2,25	suggested 11:20 15:18
		structured 215:13	suggesting 8:5 138:4
		struggle 121:5 202:12 218:17	suggestions 94:20 236:2 237:4
		stuck 201:14	suggests 90:4 94:9
		students 120:23	suited 183:14
		studies 70:8 216:4	sum 186:12
		study 71:19 101:19 129:2	summarize 222:24
		stuff 71:25 209:6, 12	summarizing 86:2
		subimp 105:15	
		subimplementers	

summary 185:11 186:3,13	93:21 124:9 125:16 157:13,18, 19 175:2 176:15 182:20 183:8,16 192:24 194:6,17 195:25 247:7 258:7,12,15,17,18 259:6,9,10,17,20, 23 260:14,16	T	201:5 216:2
summer 8:17 40:7,17 132:22,24 178:9,10,19 179:1 180:7,12 184:11 185:16	surrogate 56:15	tab 184:9,16 185:5 186:2,10,12,13, 14,25	talking 66:22 72:19 75:2 80:7 119:8 131:10 156:12 179:24 182:1 183:12 185:18 197:1 198:23 199:1,10 202:20 207:15 217:19 218:10 239:20 244:11
summertime 40:23	surrounding 198:19	table 21:19,23 22:19 157:24 216:15	talks 67:16 119:14,16,18 185:5 224:22 225:15
sunk 120:19 179:15	sustainable 72:5	tables 99:17 185:11	tap 114:5
super 135:19	sustains 6:25 80:3,9	tabs 240:7,11	tape 209:5
supercedes 68:21	switch 4:20 67:23 73:11 213:22	tactical 121:12	target 100:4 110:18,21 126:19 184:9,16
supplanting 90:12	switching 121:16	takes 52:9 58:10 73:13 176:7 195:19 206:13 208:1 216:8 218:11 228:12 237:21	targeted 111:8
supplemental 58:4	sworn 16:3,5 45:13,15 46:17,19 48:19,21 50:11,13 52:4,6 64:13,15 96:3,7,9 109:16, 18,24 125:6,8 143:2,13,14,16 150:6,8 152:22,25 153:2 161:24 162:1 164:20,22 167:25 168:2 174:16,18 176:2,4 195:14,16 221:18, 20,25 222:2	taking 3:13,14 13:25 35:16,19 49:18 68:17 71:25 78:23 90:20 101:9 115:1 116:6 125:13 161:21 208:8 211:6 212:11 214:18 215:18 235:3	targets 102:2
supply 6:19 26:16 29:2,3 114:4 116:16 210:21 243:20	supported 11:14 12:3 210:16 249:18	talk 17:4 19:7 23:13 28:24 42:7 60:20,21 69:4 80:6 93:7 97:5 99:12 101:10 115:19 117:20 118:7 121:11,12 122:20 126:23 148:9 156:2 171:12 180:3 193:4 199:4 237:8	tariff 13:1 54:17 84:6,10 86:20 87:4 98:22 99:1,2 104:9 165:14 170:7 173:24 174:6 222:16 228:1,3,8,18,22 237:10,15 238:7 244:6,8,12,16,20, 23 245:2,15,16,18 246:19
supply-side 73:23 184:20	supporting 37:3 203:10	talked 42:20 60:18,21 71:17 80:14 103:16 106:16 107:2 178:4 185:4 199:2	tariffs 84:8,24 87:6 98:20 103:24 104:6 170:12 173:5,12 174:3 244:2,3
support 6:22 14:18 15:17 60:22 68:15 85:1 121:1 199:9 203:4,22 210:8 216:17 219:5 226:9 239:22 250:7	supports 120:21 203:4		tax 41:6,18
supported 11:14 12:3 210:16 249:18	supposed 71:1		TD 8:18 9:10 10:3, 22,24 67:14 118:13 147:18,19 198:7
supporting 37:3 203:10	surprise 189:18 243:13		
supports 120:21 203:4	systems 116:9 243:23		
supposed 71:1			
surprise 189:18 243:13			
surrebuttal 47:18 49:23 63:17 64:1			

team 97:23 127:20 129:9 240:3	test 29:10 30:19 33:4,6,14,15,17 59:5,9 113:16 117:11 133:16,21 199:5,6,7,8 207:25 208:7 209:7	7 157:13 159:20 162:21 163:12 165:17,23,25 168:7,20 169:12 171:25 174:25 175:1,2 176:12, 14,15 179:4 183:5,8,16,20 189:18 192:24 193:6,17 194:4,5, 6 195:22 197:11, 18 198:14 203:4 212:1 221:13 224:11,20 225:4, 9,16 226:1 230:4, 8 231:9,15,19,24 236:6 241:5 247:4,6,7 250:5 251:19 258:4,5,7, 8,9,11,12,13,14, 15,16,17,18,20,21 259:4,5,6,7,8,9, 10,12,13,14,15, 17,18,19,20,21, 22,23,24 260:4,5, 6,7,12,13,14,16, 21,22	118:15 121:5 139:7,8 171:17 195:20 198:4 233:19 245:5 251:14
Technical 12:11 13:22 14:1 69:2	test-year 31:2		things 3:11 18:11, 16 20:17 27:6,25 31:11 36:21 37:22 55:25 67:9 76:13 101:17 102:17 107:7 115:10 119:14 120:9,14, 21 121:9 135:13, 18 179:3,7 182:3 193:3 203:23 204:2 206:23 207:20 209:25 215:2,4,13 222:12 229:4 235:2,4,5, 14 244:12 250:22
technically 147:19	testi 151:17		
techniques 23:20	testified 16:6 45:16 46:20 48:22 50:14 52:7 64:16 96:10 109:19 125:9 143:17 150:9 153:3 162:2 164:23 168:3 174:19 176:5 195:17 221:21 222:3 239:7		
technology 116:8	testifies 143:12	testing 119:22 133:13	thinking 72:14 117:8 135:3 139:6,8 192:1 208:19
telling 33:18 208:17	testify 14:1	tests 33:11 200:1	third-party 201:1
ten 40:16,18 54:12 69:15 133:10 201:12 215:9 228:15 230:10 234:15 237:11 246:7	testifying 90:24	Tevie 194:4,5,6,17 259:4,5,6	Thirteen 40:25
ten-minute 229:20 230:13	testimonies 76:16 126:12 145:19	text 71:19 184:18	thought 34:6 38:15,18 56:8,24 57:1,2 78:18 110:24 163:14 186:16 227:8
tend 59:16,17	testimony 4:13, 19,20,23,24 5:1,6, 9,11,14,15,22 14:5,9 17:17 22:10 35:7 37:2,3 47:17,18 49:17,19 52:20 58:5 61:17, 18 62:4,22 63:7 85:22 86:1,5,8,15 88:22 89:4,8,25 93:12,21 94:9 101:16 110:11 112:18 114:21 124:7,8,9 125:15, 16 129:15 144:4, 10,13,17,22 145:1 147:9 151:2,6,9, 13,20,23 153:22, 25 154:4,7,14,23 155:1,4,11 156:1,	the- 130:11	thoughts 68:25 69:5 202:21 229:21
tender 16:10 45:20 46:23 96:14 125:23 144:21 151:17 155:19 196:11 229:11 252:22		theory 208:10	thousand 35:18 239:13
tendered 48:25 50:18 52:11 64:20		thermostat 90:6 133:15 177:20,23 178:8,15 179:6 189:22	thousands 71:19 120:15,16 121:11
tenders 109:23 164:1 167:5 169:20 175:11 176:25		thermostats 86:14 179:10	threw 78:21
term 67:2 72:5 81:18 140:13,16 146:10 214:20		thing 8:21 17:17 19:6 33:20 75:19	throughput 3:5 6:13 7:19 8:2,16 9:7,11,17,25 10:6 11:9,11 12:9,15
terms 87:11 122:6 146:24 203:7 207:21 214:2 216:3 218:20 230:3			
terribly 55:11			
territory 107:8 156:5,18			

13:19 14:2,22 15:16 17:5,12 18:15 19:11,15, 19,20 20:9,13,15 22:6,14,15,23 23:25 24:20 35:21 36:8,17,22 39:20 41:4,5,17 42:5 53:17,19 54:7,17, 18 55:19 56:6,7,9 57:14,24 58:1,23, 25 60:22 61:6 65:17 67:25 68:24 74:19	141:25 142:2,9, 17,20 147:23 154:4,7 155:1,4 157:2 161:21 162:24 163:15 164:1,17 165:22 166:11,22 167:5 168:24 169:10,20 174:23,24 175:10 176:9,25 178:21, 23 181:1,9 183:19 184:2 193:10,15 195:21,22 199:9 200:6,24 211:18 215:3 218:10 224:2 228:13,18 229:19 230:1,2 232:23 234:14 237:9,11,21 243:8 246:22,23,25 247:3 249:9 251:6 252:9	31:21 38:24 51:12 74:23 77:21 114:3 127:4 144:13 151:9 193:22 236:6 247:24	trade-offs 72:3 137:21
throw 91:14 110:15 206:2 211:11 219:8	time-based 12:6 129:3	told 110:14 197:10	traditional 6:18 30:14 85:6
throwing 73:16 198:11	timeline 234:13 237:16	tomorrow 5:22	transcript 261:7,8
tie 116:1 130:5 191:12	timely 91:5	Tony 97:22 100:9	transfer 147:20
tied 127:19 212:16	times 54:13 104:7 148:15 178:5 192:2 202:23 207:18 213:23 218:11 238:12 239:19	tool 25:23 26:2,13 80:19 82:8 83:16 98:16,19 114:7 229:6,8	transition 115:8
ties 111:1	timing 59:14 65:20 178:5,6 185:19	tools 26:12 80:18, 23 82:9 114:7	transmission 66:3 220:20
tight 208:22	Timothy 96:8 221:16 222:1 255:8 257:4 258:13,14,15	top 38:5 107:2,3, 20 111:9,16 160:3 184:17	transparent 187:7, 10
tighter 115:20,21 116:17	title 153:18	top-selected 102:8	TRC 33:23 34:15 82:7 113:7 117:15,17,20 118:13 134:24 135:3 146:1,12, 13,20 147:4,11,14 148:8,16,23 149:3,11 188:3,5 196:21,24 197:3, 7,8,14,19 198:5,7, 9,11,15 199:1,2,4 202:23 203:2,9 210:2 216:2 231:7,10,13,16
till 142:19	titled 184:16	topic 64:11 66:22 88:10	TRCS 34:19 148:17 215:9
time 4:5,6 5:17,25 11:23 13:7 22:4 24:17 25:7,13 26:22 27:11,16 28:20 30:6 33:25 36:4,13,15 37:4 39:8,19 47:14 49:16,18,20 51:10,21 53:20,21 56:17,21 63:15 66:8 67:12 76:21, 24 77:10 79:23 83:4 88:1 94:17 96:13 105:23 111:19 116:16 125:13 134:11,22	toasters 70:20	topics 18:3 86:25	treatment 42:15 43:19,25 238:6
	today 10:1 26:2	total 33:3,17 34:3 94:10 113:15 117:11 188:9 231:7 242:11,20 252:14	trends 142:6
		totally 33:5	trial 53:10
		TOU 35:17 36:6,8, 10	trillion 70:21
		touch 121:15	trimmed 214:7
		toxic 209:5,9	trims 93:23
		track 38:22,24 39:5,8 212:13 217:10	TRM 9:24,25 10:5, 23 14:3 70:5 71:8, 12 234:9 239:12 240:5,6
		tracking 39:9,14, 16	TRM's 239:18
		Tracy 11:6	true 19:20 31:9
		trade 41:13	

75:21 121:18 144:17 151:13 154:1,11 155:7 163:8 166:14 169:6 170:16 199:3 261:8	uncertain 188:10	unquote 93:20	utility-induced 54:19
trued 74:19 109:5	uncertainty 188:11 201:11	unreliable 14:4	utilize 202:6
trust 209:19	unclear 173:9	unsurmountable 73:3	utilized 66:13 81:21 245:6
truth 249:17	underlying 188:21 199:8	untracked 44:21	utilizing 84:12
Tuesday 3:12 4:12	underperforming 103:8 108:24	untrued 44:21	utmost 185:20 188:18
tuned 70:11	understand 32:4 61:5 65:15 69:20 75:24 103:7 112:24 115:3 120:12 121:24 135:8,12 137:9 138:21 141:1 183:24 195:10 242:24 249:7	updated 98:2 234:10 244:16	<hr/> V <hr/>
tuneup 233:3	understanding 39:13 41:13 107:23 118:7 122:24 136:7,11 137:4 140:12 198:13	updating 116:9 244:12	vacuum 70:25
turn 7:15 184:15	understood 4:8 53:16 149:22 238:5 245:1	upfront 136:24 137:7	vaguely 5:3
turning 81:8	undertook 25:17	upgrade 136:22	Valentine 165:9
turns 56:19,22,23 57:6,12	unfettered 85:14	upgrades 136:25 217:12 227:4	validity 179:14
TV 218:8	unique 202:25 205:4	ups 32:2	values 13:15 134:24 210:2
tweak 212:6	unit 25:11 146:17, 18	upside 28:11	valuing 213:10 215:10
two-month 237:10	United 70:3	uptake 226:24	Vangerpen 3:17 4:9 15:10,20 16:20 43:11,14 46:6 47:9 49:4 50:21 51:20,25 52:14,17 53:6,7, 13,14 54:21,23 62:9 64:19 76:5,7, 18,19 77:2,8 91:18 93:1,2,4 95:9,11 100:20 108:16 111:23 118:25 134:15 141:13 148:1 152:13 157:6,9 159:6,8 161:12 164:4 167:8 169:24 172:16 175:14 177:4 189:2,5 190:17,20 195:18,20 196:8, 9,11 204:19,21 216:18 220:1,4 221:7,9 246:2
two-year 214:5	unknown 27:12	usage 7:14 20:11 21:7 80:11 81:14 113:24 122:1 185:4	
Tylenol 214:18	unlawful 11:22	USDOE's 206:7	
type 138:14 185:1 208:14	unnormalized 59:15	User 40:17	
types 107:9	unofficial 62:23	usher 25:18	
typically 149:7	unpredicted 12:21	utili 245:7	
<hr/> U <hr/>		utilities 7:8,16 17:9 23:22 66:7 89:15 213:3	
Uh-huh 79:13 92:23 136:9		utility 6:23,25 7:10 9:15 24:4,18 44:6 45:1 57:20 61:8, 23 66:4,5 80:4 84:14,20 205:6 209:21,23 213:2	
ultimately 22:25 23:3 68:16 71:15, 23 73:13,22 202:8 205:12 207:21 221:1		utility's 7:12 207:16 218:14,19	
unanimous 201:22			
unaware 173:6			

249:3 250:21 251:3,8,13,18,25 254:5,15,20 255:5,21 256:11, 15,16 vantage 32:21 variable 11:13,14 12:2,25 13:2,5,9, 10 15:18 18:24 29:20 30:9,14 variables 67:5 73:10 varies 199:15 238:13 243:14 variety 205:8 213:5 vary 199:15 vast 12:5 211:8 219:10 verification 18:7 56:23 57:6 87:14 verified 7:20 66:12 68:25 87:24 verify 206:11 252:9 versa 80:16 version 130:9 214:6 225:11 versions 48:2 124:20 versus 19:21 55:19 57:25 198:23 199:12,16, 17 205:20 219:5 220:17 Via's 110:11 247:5,6 viable 139:4 vice 80:15	view 28:13 29:20 30:19 34:15 69:5 113:17,22 views 29:9 violation 41:6,18 volumes 240:19 voluminous 249:8 <hr/> W <hr/> waiting 228:22 walk 37:22 183:23 184:3 walking 191:24 wallet 211:11 wanted 3:15 4:18 23:11 34:12 39:20 43:21 95:17 159:9 163:15 193:3 208:25 236:16 WAP 156:15 ware 68:12 warm 134:4 washers 69:13 waste 116:6,10 ways 33:8 68:12 146:11 198:12 229:10 weather 56:2,18 59:17 67:7 131:9 132:19 156:2 178:22 weatherization 156:10 159:22,25 161:3 171:16 Webex 51:17 100:25 website 98:22,24, 25 99:3,12,13	207:12,16 223:7 weeds 67:13 week 79:18,22 88:1 93:11 94:16 95:5 120:10 131:20 148:7 229:3 250:5,8 weekday 40:7,24 weigh 23:17 weight 79:25 well-developed 56:10 well-established 53:2 well-researched 56:10,20 well-run 220:15 well-subscribed 132:4 well-supported 84:15,24 well-verified 56:21 well-versed 135:19 whatnot 222:16 224:3 243:21 wheelhouse 68:22 whims 216:8 wholesale 36:22 wide 27:5 wide-ranging 88:24 Wills 10:3,20 14:4 15:23 16:1,4,8,25 27:1 29:12 32:8, 18 35:6 37:8,20 45:6 53:9,16 60:20 100:10 111:4 123:24	125:4,7,12 126:10,18 130:16 134:4,12,20 141:2 142:14 180:18 198:13 200:22 254:8 255:13 258:4,5,7 Wills' 52:20 147:9 198:19 win-win 7:16 window 206:20 208:21,23 windows 208:18 winter 90:2,6 100:14 133:2,3,7, 14,15,17 178:17 184:11 185:16 wipe 30:11 withdrawn 66:8 witnesses 5:25 51:12 76:24 85:19 90:23,25 91:1 95:21 100:1 143:1 161:19 180:3 221:11,12 247:18 249:12 251:20 254:8,13,18 255:8,19 256:4,13 257:4 wonderful 92:19 wondering 39:4,7 77:6 156:3 word 116:4 209:4 words 56:22,24 work 13:8 28:19 37:2 77:11,16,17 94:6 103:7,20 104:3 120:21 180:5 198:19 208:23 210:11 211:17 212:9,21 214:9 218:5
--	---	--	--

222:24 231:19,24

worked 98:23

102:7 127:22

160:4 205:8

245:11

working 3:16

101:18 105:19

206:15 232:25

235:3

works 70:5 139:15

207:23 208:9

workshops 193:2

world 27:12 29:9

66:19

worries 208:7

worse 214:14

worth 218:24

wrap 51:22

wrapped 193:21

wrestle 27:7,9

write 171:25

write-offs 119:17

written 5:15 230:3

wrong 61:12 72:14

Y

year 3:23,25 30:3,

5,17,19 31:19

38:1,10,25 54:13

57:20,22 59:5

83:12 87:12 89:21

121:3,4,7 132:1,2,

3 133:23,24

141:24 142:8

181:16 184:10,21

185:15,17 186:20

188:6 201:6

202:14 206:25

248:8,11

years 8:5 27:12

30:18 31:19 56:9

62:24 72:2 89:17

93:25 94:6,15

115:23 120:17

127:2,8,16 132:7

140:10 180:23

181:4,19 182:8

186:20 187:12

200:24 201:2,3,8,

12 202:5 207:10,

16 239:2 240:23

243:9

yellow 69:14

184:18

yesterday 32:20

47:16 71:18 74:22

114:22 248:6,17

253:8

YMCA 120:24

121:3

your-own-

thermostat 189:15

Z

zone 178:12

184:12