

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 4<sup>th</sup> day of September, 2019.

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's 2<sup>nd</sup> Filing to Implement )  
Regulatory Changes in Furtherance of Energy )  
Efficiency as Allowed by MEEIA )

**File No. EO-2015-0055**

**ORDER APPROVING STIPULATION AND AGREEMENT**

Issue Date: September 4, 2019

Effective Date: October 4, 2019

**Background**

On February 10, 2016, the Commission issued an order approving Union Electric Company, d/b/a Ameren Missouri's (Ameren Missouri) Cycle 2 MEEIA Plan (Cycle 2 Order). The Cycle 2 Order requires Ameren Missouri to complete annual Evaluation, Measurement, and Verification Reports (EM&V Reports).

Ameren Missouri hired The Cadmus Group, Inc. (Cadmus) to evaluate residential energy efficiency programs, and it hired ADM Associates, Inc. (ADM) to evaluate the business energy efficiency programs. On July 15, 2019, as required by the Cycle 2 Order, Ameren Missouri filed the Cadmus and ADM PY2018 EM&V final reports in this case. The Commission hired Evergreen Economics (Evergreen) to serve as its independent contractor to audit and report on the work of each independent EM&V contractor hired by utilities with Commission-approved MEEIA programs. The Commission's Staff (Staff) filed Evergreen's EMV Audit of the Ameren Missouri PY2018 Program Evaluations on July 26, 2019.

On August 16, 2019, Ameren Missouri, Staff, and OPC (Signatories) filed a Non-Unanimous Stipulation and Agreement Settling Final EM&V for the 2018 MEEIA Cycle 2 Program Year (PY2018 Stipulation). The signatories state that this PY2018 Stipulation is being filed solely to settle the issues resulting from differences in the Cadmus PY2018 EM&V final report and the recommendations provided in Evergreen's PY2018 report. No responses or objections were filed regarding the August 16, 2019, PY2018 Stipulation.

### **The Stipulation**

The Signatories agree to the following terms to settle the PY2018 final EM&V:

The PY2018 Stipulation settles the issues resulting from differences in the Cadmus PY2018 EM&V final report and the recommendations provided in Evergreen's PY2018 report. The Signatories agree that with one exception, the PY2018 EM&V Reports of Cadmus and ADM will be accepted. That exception is with regard to the Residential Lighting. The Signatories acknowledge that, for Residential Lighting, Camdus/ADM's *ex post* net savings determined by EM&V is 6,094 MWh savings (928 kW), while Evergreen determined a total net savings of 4,024 MWh (605 kW). The Signatories agreed that a reasonable compromise is to accept a net MWh savings of 5,059 MWh (773 kW).

**Ameren Missouri Cycle 2 Rider EEIC:** Ameren Missouri shall use Camdus and ADM's PY2018 EM&V final reports and any changes to the Camdus and ADM's PY2018 EM&V final reports required by the terms of the PY2018 Stipulation to determine the amount of throughput disincentive and earnings opportunity in compliance with the terms of Ameren Missouri's Cycle 2 Rider EEIC.

The PY2018 Stipulation also contains general provisions involving the rights of the parties and the nature of the agreement.

Commission Rule 20 CSR 4240-2.115(2) allows parties seven days to object to a non-unanimous stipulation, if no party timely objects the Commission may treat the non-unanimous stipulation as unanimous. Seven days have elapsed since the Signatories filed the Stipulation, and no party has objected. Therefore, the Commission will treat the Stipulation as unanimous.

The Commission has reviewed the PY2018 Stipulation. The Commission finds the PY2018 Stipulation reasonable, and will approve it.

**THE COMMISSION ORDERS THAT:**

1. The Stipulation and Agreement Settling Final EM&V for the 2018, MEEIA Cycle 2 Program Year is approved, and the Signatories are ordered to abide by its terms. A copy of the Non-Unanimous Stipulation and Agreement Settling Final EM&V for the 2018 MEEIA Cycle 2 Program Year is attached to this order as “Attachment A” and is incorporated by reference as if fully set forth herein.
2. This order shall become effective on October 4, 2019.

**BY THE COMMISSION**



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Clark, Regulatory Law Judge

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

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's 2nd Filing to Implement ) File No. EO-2015-0055  
Regulatory Changes in Furtherance of Energy )  
Efficiency as Allowed by MEEIA. )

**NON-UNANIMOUS STIPULATION AND AGREEMENT SETTling FINAL EM&V  
FOR THE 2018 MEEIA CYCLE 2 PROGRAM YEAR**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), Staff of the Missouri Public Service Commission ("Staff"), and the Office of the Public Counsel ("OPC") (collectively, the "Signatories"), and submit this Non-Unanimous Stipulation and Agreement ("*PY2018 Stipulation*") regarding the results of evaluation, measurement, and verification ("EM&V") for the 2018 program year ("PY2018") of Ameren Missouri's Missouri Energy Efficiency Investment Act ("MEEIA") Cycle 2 demand-side programs, as follows:

**BACKGROUND**

1. On February 5, 2016, Ameren Missouri and other interested parties to this case submitted to the Commission for its approval a Non-Unanimous Stipulation and Agreement ("Cycle 2 Stipulation") related to the Company's implementation of its second, three-year cycle ("Cycle 2") of MEEIA programs. The Cycle 2 Stipulation was unopposed by any party, and the Commission issued an order approving it on February 10, 2016. The Cycle 2 Stipulation contained provisions related to EM&V of the Cycle 2 demand-side programs and included procedures whereby a party may request changes (a change request) to the EM&V final reports for each program year.

2. Ameren Missouri engaged The Cadmus Group, Inc. ("Cadmus") to evaluate its residential energy efficiency programs, and ADM Associates, Inc. ("ADM") to evaluate its

business energy efficiency programs. On July 15, 2019, Cadmus and ADM (the "Evaluators") filed their PY2018 EM&V final reports in this case.

3. In accordance with 4 CSR 240-20.093(8), the Commission hired Evergreen Economics ("Evergreen" or "Auditor") to serve in the capacity of its independent contractor to audit and report on the work of each independent EM&V contractor hired by utilities with Commission-approved MEEIA programs. On July 16, 2019, the Commission issued an order granting Evergreen three additional days – until July 26, 2019 – to submit its PY2018 EM&V final report. Evergreen submitted its report respecting Ameren Missouri's programs in this case on July 26, 2019.

4. Thereafter, Ameren Missouri, Staff, and OPC discussed whether a mutually agreeable resolution could be reached regarding the differences between the EM&V reports conducted by Ameren Missouri's evaluators and Evergreen's conclusions. The culmination of those discussions is contained in the agreement set forth below.

#### **SETTLEMENT TERMS**

5. EM&V Reports. This *PY2018 Stipulation* is being filed solely to settle the issues resulting from differences in the Cadmus PY2018 EM&V final report and the recommendations provided in Evergreen's PY2018 report. This *PY2018 Stipulation* is the result of extensive review and analysis by Ameren Missouri, Staff, and OPC of the various findings contained in the PY2018 EM&V final reports of the Auditor and the Evaluators. As a result of settlement discussions, the Signatories agree that with one exception, the PY2018 EM&V Reports of Cadmus and ADM will be accepted. The sole exception is with regard to the Residential Lighting. The Signatories acknowledge that, for Residential Lighting, the Evaluators' *ex post* net savings determined by

EM&V is 6,094 MWh savings (928 kW),<sup>1</sup> while the Auditor determined a total net savings of 4,024 MWh (605 kW).<sup>2</sup> The Signatories agreed that a reasonable compromise is to accept a net MWh savings of 5,059 MWh (773 kW).

6. Ameren Missouri Cycle 2 Rider EEIC. Ameren Missouri shall use the Evaluators' PY2018 EM&V final reports and any changes to the Evaluators' PY2018 EM&V final reports required by the terms of this *PY2018 Stipulation* to determine the amount of throughput disincentive and earnings opportunity in compliance with the terms of Ameren Missouri's Cycle 2 Rider EEIC.

### **GENERAL PROVISIONS**

7. This *PY2018 Stipulation* is being entered into for the purpose of disposing of the issues arising from PY2018 EM&V. In presenting this *PY2018 Stipulation*, none of the Signatories shall be deemed to have approved, accepted, agreed, consented or acquiesced to any ratemaking principle or procedural principle, including, without limitation, any method of cost or revenue determination or cost allocation or revenue related methodology, and none of the Signatories shall be prejudiced or bound in any manner by the terms of this *PY2018 Stipulation* (whether it is approved or not) in this or any other proceeding, other than a proceeding limited to enforce the terms of this *PY2018 Stipulation*, except as otherwise expressly specified herein.

8. This *PY2018 Stipulation* has resulted from extensive negotiations and the terms hereof are interdependent. If the Commission does not approve this *PY2018 Stipulation*, or approves it with modifications or conditions to which a party objects, then this *PY2018 Stipulation* shall be void and no Signatory shall be bound by any of its provisions.

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<sup>1</sup> See Cadmus Lighting Impact and Process Evaluation submitted July 15, 2019, p. 2, p. 3 Tables 2 and 3, p. 61 Table 41, and p. 63 Table 42.

<sup>2</sup> See Evergreen's Independent EM&V Audit of the Ameren Missouri PY 2018 Program Evaluations – Final Report, submitted July 26, 2019, p. 11 Table 2, and p. 68 Table 14.

9. If the Commission does not unconditionally approve this *PY2018 Stipulation* without modification, and notwithstanding its provision that it shall become void, neither this *PY2018 Stipulation*, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any Signatory has for a decision in accordance with Section 536.080, RSMo 2000, or Article V, Section 18 of the Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this *PY2018 Stipulation* had not been presented for approval, and any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this *PY2018 Stipulation* shall become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.

10. If the Commission unconditionally accepts the specific terms of this *PY2018 Stipulation* without modification, the Signatories waive, with respect to the issues resolved herein: their respective rights (1) to call, examine and cross-examine witnesses pursuant to Section 536.070(2), RSMo 2016; (2) their respective rights to present oral argument and/or written briefs pursuant to Section 536.080.1, RSMo 2016; (3) their respective rights to seek rehearing pursuant to Section 386.500, RSMo 2016; and (4) their respective rights to judicial review pursuant to Section 386.510, RSMo 2016. These waivers apply only to a Commission order respecting this *PY2018 Stipulation* issued in this above-captioned proceeding, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this *PY2018 Stipulation*.

11. *This PY2018 Stipulation* contains the entire agreement of the Signatories concerning EM&V for PY 2018.

12. This *PY2018 Stipulation* does not constitute a contract with the Commission. Acceptance of this *PY2018 Stipulation* by the Commission shall not be deemed as constituting an agreement on the part of the Commission to forego the use of any discovery, investigative or other power which the Commission presently has. Thus, nothing in this *PY2018 Stipulation* is intended to impinge or restrict in any manner the exercise by the Commission of any statutory right, including the right to access information, or any statutory obligation.

13. Additionally, the Signatories agree that subject to the rules governing practice before the Commission and without waiving the confidentiality of the facts and positions disclosed in the course of settlement, Staff shall have the right to provide an oral explanation to support its entering into this *PY2018 Stipulation*, if the Commission requests one at any agenda meeting at which this case is noticed to be considered by the Commission. Subject to the rules governing practice before the Commission and without waiving the confidentiality of the facts and positions disclosed in the course of settlement, Staff will be available to answer Commission questions regarding this *PY2018 Stipulation*. To the extent reasonably practicable, Staff shall provide the Signatories with advance notice of any such agenda meeting so that they may have the opportunity to be present and/or represented at the meeting so that they can answer or otherwise address Commission questions.



**WHEREFORE**, the undersigned Signatories respectfully request the Commission issue its order approving this *PY2018 Stipulation* on the specific terms and conditions contained herein.

Respectfully submitted,

**/s/ Paula N. Johnson**  
Paula N. Johnson, #68963  
Sr. Corporate Counsel  
1901 Chouteau Avenue, MC 1310  
P.O. Box 66149  
St. Louis, MO 63166-6149  
(314) 554-3533 (phone)  
(314) 554-4014 (facsimile)  
[amerenmoservice@ameren.com](mailto:amerenmoservice@ameren.com)

**ATTORNEY FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**/s/ Jeffrey A. Keevil**  
Jeffrey A. Keevil, #33825  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 526-4887 (Telephone)  
(573) 751-9285 (Fax)  
[jeff.keevil@psc.mo.gov](mailto:jeff.keevil@psc.mo.gov)

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

**/s/ John Clizer**  
John Clizer, #69043  
Associate Counsel  
Office of the Public Counsel  
P. O. Box 2230  
Jefferson City MO 65102  
(573) 751-5324  
(573) 751-5562 FAX  
[john.clizer@ded.mo.gov](mailto:john.clizer@ded.mo.gov)

**ATTORNEY FOR OFFICE OF THE  
PUBLIC COUNSEL**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to counsel for parties in this case on this 16<sup>th</sup> day of August, 2019.

*/s/ Paula N. Johnson*

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 4<sup>th</sup> day of September 2019.**



  
**Morris L. Woodruff**  
**Secretary**

## **MISSOURI PUBLIC SERVICE COMMISSION**

**September 4, 2019**

**File/Case No. EO-2015-0055**

**Missouri Public Service Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Kansas City Power & Light Company**

Robert Hack  
1200 Main, 19th Floor  
P.O. Box 418679  
Kansas City, MO 64141-9679  
rob.hack@kcpl.com

**Kansas City Power & Light Company**

Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@kcpl.com

**KCP&L Greater Missouri Operations Company**

Robert Hack  
1200 Main, 19th Floor  
P.O. Box 418679  
Kansas City, MO 64141-9679  
rob.hack@kcpl.com

**KCP&L Greater Missouri Operations Company**

Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@kcpl.com

**Midwest Energy Consumers Group**

David Woodsmall  
308 E. High Street, Suite 204  
Jefferson City, MO 65101  
david.woodsmall@woodsmalllaw.com

**Missouri Division of Energy**

Brian T Bear  
301 W. High St., Room 680  
P.O. Box 1766  
Jefferson City, MO 65102  
bbear.deenergycases@ded.mo.gov

**Missouri Industrial Energy Consumers (MIEC)**

Lewis Mills  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65101-1574  
lewis.mills@bclplaw.com

**Missouri Industrial Energy Consumers (MIEC)**

Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bclplaw.com

**National Housing Trust**

Andrew J Linhares  
3115 S. Grand Ave  
Suite 600  
St. Louis, MO 63118  
Andrew@renewmo.org

**Natural Resources Defense Council**

Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Renew Missouri**

Andrew J Linhares  
3115 S. Grand Ave  
Suite 600  
St. Louis, MO 63118  
Andrew@renewmo.org

**Sierra Club**

Maxine Lipeles  
1 Brookings Dr - CB 1120  
St. Louis, MO 63130-4899  
milipele@wustl.edu

**Sierra Club**

Chinyere Osuala  
1625 Massachusetts Ave. NW, Ste. 702  
Washington, DC 20036  
cosuala@earthjustice.org

**Sierra Club**

Jill M Tauber  
1625 Massachusetts Ave., NW Ste. 702  
Washington, DC 20036  
jtauber@earthjustice.org

**Tower Grove Neighborhood Community Development Corporation**

Andrew J Linhares  
3115 S. Grand Ave., Suite 600  
St. Louis, MO 63118  
Andrew@renewmo.org

**Union Electric Company**

Paula Johnson  
1901 Chouteau Avenue  
St Louis, MO 63103  
AmerenMOService@ameren.com

**Union Electric Company**  
James B Lowery  
111 South Ninth St., Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
lowery@smithlewis.com

**Union Electric Company**  
Russ Mitten  
312 E. Capitol Ave  
P.O. Box 456  
Jefferson City, MO 65102  
rmitten@brydonlaw.com

**Union Electric Company**  
Wendy Tatro  
1901 Chouteau Ave  
St. Louis, MO 63103-6149  
AmerenMOService@ameren.com

**Union Electric Company**  
Matthew R Tomc  
1901 Chouteau  
St. Louis, MO 63166  
AmerenMOService@ameren.com

**United for Missouri**  
David C Linton  
314 Romaine Spring View  
Fenton, MO 63026  
dlinton@mlklaw.com

***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

***Morris L. Woodruff***  
***Secretary***

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.