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Witness: James Owen

Sponsoring Party: Renew Missouri
Advocates

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MISSOURI PUBLIC SERVICE COMMISSION

ER-2024-0319

SURREBUTTAL TESTIMONY

OF

JAMES OWEN

ON BEHALF OF

RENEW MISSOURI ADVOCATES

February 14, 2024

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1 **I. PURPOSE OF TESTIMONY AND SUMMARY OF RECOMMENDATIONS**

2 **Q. Please state your name, title and business address.**

3 A. My name is James Owen. I am the Executive Director of Renew Missouri Advocates
4 (“Renew Missouri”). My business address is 915 E Ash Street, Columbia, Missouri, 65201.

5 **Q. Are you the same person who filed direct testimony on December 17, 2024, and rebuttal**
6 **testimony on January 17, 2025?**

7 A. Yes.

8 **Q. What is the purpose of your surrebuttal testimony?**

9 A. The purpose of my surrebuttal testimony is to respond to Union Electric Company d/b/a
10 Ameren Missouri (“Ameren Missouri” or the “Company”) witness Steven Wills and Staff of the
11 Missouri Public Service Commission (“Staff”) witness Claire Eubanks regarding integration of net
12 metered customers to time-of-use (“TOU”) rates, Staff witness Eubanks’ testimony regarding the
13 Renewable Solutions Program (“RSP”), as well as Ameren Missouri witness Wills and Staff
14 witnesses Matthew Lucas and Amy Eichholz regarding residential customer programs.

15 **Q. Please summarize your surrebuttal testimony.**

16 A. Renew Missouri continues to support its proposal, outlined in direct testimony, regarding
17 the appropriate way to integrate TOU rates with net-metered customers but agrees with witness
18 Wills that the method approved in recently concluded Evergy West rate case is an appropriate
19 compromise that allows for recognition of price signals, complies with the Net Metering and Easy
20 Connection Act¹, and follow Commission precedent. Renew Missouri also does not oppose
21 utilization of Staff’s proposed method of incorporating net-metered customers on to all TOU plans.

¹ Section 386.890 RSMo

1 I also briefly summarize and clarify Renew Missouri’s position on the RSP. Additionally, I discuss
2 why Ameren Missouri’s reasons for rejecting a residential battery storage pilot (“RBSP”) do not
3 pass scrutiny and respond to the conditions Staff witness Matthew Lucas suggests the Commission
4 order for any potential RBSP. Finally, I briefly address witness Eiccholz’s recommendation for
5 any low income (“LI”) solar programs associated tariffs to be filed as a separate tariff or certificate
6 of convenience and necessity (“CCN”) case filing.

7 **II. RESPONSE TO AMEREN MISSOURI WITNESS WILLS AND STAFF WITNESS**
8 **EUBANKS REGARDING NET METERING**

9 **Q. Did you review the rebuttal testimony of Ameren Missouri witness Wills regarding the**
10 **integration of net-metered customers on to all TOU plans?**

11 A. Yes, I did. Mr. Wills continues to state his direct position that advanced TOU plans are not
12 compatible with net-metered customers, and that - in his opinion - neither Renew Missouri’s nor
13 Staff’s proposals sufficiently provide a framework to establish access for all TOU customers.² Mr.
14 Wills does go on to state that, if the Commission must offer TOU plans to all customers, the method
15 approved by the Commission in the recently-concluded Evergy Missouri West rate case (File No.
16 ER-2024-0189, In the Matter of Evergy Missouri West, Inc., d/b/a Evergy Missouri West’s
17 Request for Authority to Implement a General Rate Increase for Electric Service) would be
18 appropriate to apply in this situation. In that previous rate case, the Commission indicated a legal
19 and reasonable resolution to the issue. If the same resolution were adopted in this case, Ameren
20 Missouri could provide uniform treatment among the state’s electric operating territories.³

21 **Q. Does Renew Missouri have a response to Mr. Wills’ testimony?**

² Rebuttal Testimony of Steven Wills, p. 21, line 12 – p. 22, line 22.

³ *Id.* at p. 23, line 11 to p. 24, line 8.

1 A. Yes. Renew Missouri disagrees with Mr. Wills in his characterization of the impacts of how
2 net-metered customers participating in all TOU plans will have on other customers. We also
3 believe Mr. Wills is disregarding the value net-metered customers have on reducing peak impacts
4 and purchased energy during the hours considered more costly to justify the on-peak designation.
5 Additionally, Renew Missouri believes additionally incentivizing net-metered customers to reduce
6 more usage during those on-peak hours by allowing for full TOU participation can induce more
7 benefits to Ameren’s system and the overall grid.⁴ However, as I noted in my rebuttal testimony,
8 the recently approved Evergy Missouri West proposal would be a satisfactory resolution to
9 allowing all customers to participate in all TOU plans.

10 **Q. Mr. Wills goes on to state that Ameren Missouri will need lead time to develop the**
11 **appropriate internal parameters to accommodate net-metered customers on TOU plans.**
12 **Therefore, Ameren Missouri appears to request an unspecified amount of time after the**
13 **effective date of rates to transition customers.⁵ Does Renew Missouri have a response to this**
14 **request?**

15 A. Yes. Renew Missouri believes Ameren Missouri had sufficient time to begin the preparations
16 after directives from the Commission in various cases⁶ prior to Ameren Missouri’s current rate
17 case. Renew Missouri also believes a successful enrollment and education campaign would be
18 negatively impacted by billing and other customer service issues if immediate steps are not taken
19 to ensure all systems are in order. Therefore, Renew Missouri would support an extension of six
20 months from the effective dates of rates to complete any internal system changes to allow for net-

⁴ Most Policy Initiative, *Net Metering*, accessed on February 7, 2025 at <https://mostpolicyinitiative.org/wp-content/uploads/2022/02/Net-Metering-1.pdf>

⁵ *Rebuttal Testimony of Steven Wills*, p. 24, lines 9-19.

⁶ See discussion of the Commission case history of this topic, presented in my direct testimony in this case, filed December 17, 2024, p. 9, line 14 to p. 14, line 7.

1 metered customers to take service from any TOU rate. If Ameren Missouri would need additional
2 time, Renew Missouri suggests the Commission stipulate Ameren Missouri must file such a
3 request for approval with the Commission. In this filing, Ameren Missouri should outline all steps
4 and actions taken to date to ready the system for the migration of net-metered customers to all
5 TOU rates. This filing should also lay out what specific remaining system issues are delaying the
6 rollout, what steps are needed to address the issues, and the amount of time needed to do so. This
7 will allow parties and the Commission to be assured there is good cause for any further delay in
8 implementing these rates for all customers.

9 **Q. Did you review the rebuttal testimony of Staff witness Eubanks regarding net-metered**
10 **customers enrolling in TOU rates?**

11 A. Yes. Ms. Eubanks⁷ discusses her perceived differences between the Staff proposal and the
12 Renew Missouri proposal as well as addressing Ameren Missouri witness Wills' argument
13 regarding billing requirements under statute. Renew Missouri clarifies our proposal does not intend
14 to change current statutory treatment of excess generation credits, which is to carry them forward
15 for future billing periods. Additionally, Renew Missouri's primary goal is to allow net-metered
16 customers access all TOU plans as mandated by the Net-Metering and Easy Connection Act and
17 Commission precedent. Therefore, Renew Missouri is amenable to Staff's proposal.

18 **Q. Do you have any further comments on Ms. Eubanks' discussion of the Net Metered and**
19 **Easy Connection Act?**

20 A. Yes. Ms. Eubanks states:

⁷ *Rebuttal Testimony of Claire M. Eubanks, PE*, p. 2, line 4 – p. 5, line 6.

1 *Q. Ameren Missouri reads the Net Metering and Easy Connection Act as requiring, in*
2 *instances where a customer-generator supplies excess energy to the grid, a zero bill for*
3 *variable energy charges. Does Staff agree?*

4 *A. No. Staff agrees that in current application of the statute, customer-generators may*
5 *have months where variable energy charges are zero. However, the statute also requires*
6 *the utility to offer the customer-generator a tariff that is identical in electrical energy rates,*
7 *rate structure, and monthly charges to other customers. Additionally, the statute requires*
8 *a utility to measure net electrical energy produced or consumed in accordance with normal*
9 *metering practices for customers in the same rate class. The portion of the statute Ameren*
10 *Missouri cites does not specifically mention producing a zero bill.*

11 As I stated in my rebuttal testimony,⁸ I also do not interpret the Net Metering and Easy Connection
12 Act as requiring a net-zero bill. Renew Missouri further agrees with Staff’s position that the utility
13 must offer the customer-generator a tariff identical in electrical energy rates, rate structure, and
14 monthly charges to other customers and to measure net electrical energy produced or consumed in
15 accordance with normal metering practices for customers in the same rate class. This is why it is
16 vital all net-metered customers have access to all TOU plans.

17 III. **RESPONSE TO STAFF WITNESS EUBANKS REGARDING THE RSP**

18 **Q. Has Renew Missouri read the rebuttal testimony of Ms. Eubanks⁹ regarding the RSP,**
19 **and does Renew Missouri have any additional context to add to Ms. Eubanks’ discussion?**

20 A. Yes. As Ameren Missouri notes in its witness Wills’ testimony, the RSP is successful and
21 provides revenue streams for all customers. He further adds “Company and Renew Missouri are

⁸ P. 5, lines 1-12.

⁹ Rebuttal Testimony of Claire M. Eubanks, PE, p.5, line 7 – p. 8, line 13.

1 both aligned with respect to the goal of utilizing the program going forward to support new
2 generation resources, while meeting subscribing customers' desire for access to renewable energy,
3 and also promoting affordability of service for all customers.”¹⁰ Additionally, Ms. Eubanks’
4 testimony suggested I was advocating for Ameren Missouri to retire RECs out of compliance with
5 the tariffs and the Renewable Energy Standard (RES). I want to clarify that Renew Missouri
6 suggests allowing for RECs to go to ratepayers for RES compliance *if* an RSP resource was
7 producing energy but not fully subscribed. I was using that scenario as an example to demonstrate
8 how RECs could *potentially* aid in offsetting Ameren Missouri’s costs if the Company had
9 invested in additional RSP facilities that were online and producing beyond demand/subscriptions.
10 (This is an unlikely scenario given the demand and subscriptions numbers referenced in my direct
11 testimony and Ameren Missouri’s responses to data requests.) Renew Missouri notes this as further
12 justification for expansion of the RSP. Customers benefit from a fully subscribed program, as they
13 do currently. But in the unlikely event a designated facility is not fully subscribed, ratepayers could
14 still receive benefits by reducing any future REC purchases required by statute¹¹.

15 **IV. RESPONSE TO AMEREN MISSOURI WITNESS WILLS AND STAFF WITNESS**
16 **MATTHEW LUCAS REGARDING A BATTERY STORAGE PILOT**

17 **Q. Did you review the testimony of Ameren Missouri witness Steven Wills regarding a**
18 **residential battery storage pilot (RBSP)?**

19 **A. Yes.** Ameren Missouri rejects the notion of offering a RBSP in its service territory, stating
20 the Commission should not dictate what programs and pilots are proposed by the Company and

¹⁰ *Rebuttal Testimony of Steven Wills*, p. 31, line 1- p. 34, line 20.

¹¹ Section 393.1030, RSMo.

1 that such a pilot would be duplicative of Evergy’s work in studying the integration of battery
2 storage technology on the grid.¹²

3 **Q. What is your response to Ameren Missouri’s reasons for rejecting a RBSP?**

4 A. As stated in my direct testimony,¹³ there are a multitude of benefits in gaining experience
5 with integrating distributed energy resources - especially battery storage systems -on customer’s
6 premises and throughout the grid. Rather than reiterate those benefits, Renew Missouri would note
7 the Commission has routinely ordered utilities to offer programs and pilots, ranging from
8 implementing a Pay As You Save® tariff¹⁴ as well time-of-use rate pilots.¹⁵ Furthermore, Ameren
9 Missouri and Evergy have offered similar pilots and programs contemporaneously to have hands-
10 on experience with emerging technologies or programs in their respective service territories rather
11 than just observe from the sidelines. For instance, community solar programs,¹⁶ electric vehicle
12 charging programs,¹⁷ and demand response programs (including residential thermostat
13 programs)¹⁸ have been rolled out and offered as limited programs by each utility until full scale
14 deployment was practical and appropriate. Neither utility waited for the other to conclude a pilot

¹² *Id.* at p. 41, line 15 – p. 43, line 12.

¹³ p. 17, line 13- p. 23 line 16.

¹⁴ In the Matthever of Evergy Missouri Metro and Evergy Missouri West’s Notice of Intent to File Applications for Authority to Establish a Demand-Side Programs Investment Mechanism, File No. EO-2019-0132, *Amended Report and Order*, issued March 11, 2020, p. 16-19.

¹⁵ In the Matthever of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service, File No. ER-2016-0285, *Report and Order*, issued May 3, 2017, p. 55-57.

¹⁶ In the Matthever of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Offer a Pilot Subscriber Solar Program and File Associated Tariff, File No. EA-2016-0207, and In the Matthever of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service, File No. ER-2018-0145, and In the Matthever of KCP&L Greater Missouri Operations Company’s Request for Authority to Implement a General Rate Increase for Electric Service, File No. ER-2018-146.

¹⁷ In the Matthever of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of Efficient Electrification Program, File No. ET-2018-0132, and In the Matthever of Kansas City Power & Light Company’s Request for Authority to Implement A General Rate Increase for Electric Service, File No. ER-2016-0285.

¹⁸ In the Matthever of Union Electric Company d/b/a Ameren Missouri’s 3rd Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA, File No. EO-2018-0211, and In the Matthever of Evergy Missouri Metro and Evergy Missouri West’s Notice of Intent to File Applications for Authority to Establish a Demand-Side Programs Investment Mechanism, File No. EO-2019-0132.

1 program in these instances. As battery storage becomes more commercially available for
2 customers, it is vital for Ameren Missouri to proactively learn how to handle the challenges of
3 integrating such systems into its grid.

4 **Q. Did you review the testimony of Staff witness Matthew Lucas regarding a RBSP?**

5 Staff witness Lucas takes a more tempered approach by not opposing creation of a RBSP but
6 stating concerns over costs and availability. He did agree subscribing customers would benefit
7 from such a program.¹⁹ Mr. Lucas goes on to propose conditions for a RBSP:

- 8 • A cost-benefit analysis supporting the proposal;
- 9 • Availability to all customers except Ameren Missouri employees, contractors, board
10 of directors, agents, and affiliate employees;
- 11 • A clear statement of all learning objectives for the pilot including all hypotheses;
- 12 • Testing, with criteria and methods used to evaluate the program’s success or failure in
13 meeting the stated objectives.
- 14 • Requirements that costs associated with the program should be borne by subscribers
15 and Ameren Missouri’s shareholders based on allocation as determined by the cost-
16 benefit analysis. This would further require separate record keeping delineating the
17 program’s revenue, expense, and investment in Ameren Missouri’s general ledger to
18 ensure non-subscribers were held harmless during a rate case proceeding;
- 19 • A semi-annual report to stakeholders updating the progress towards the program’s
20 learning objectives for the length of the pilot; and
- 21 • An end-date for the pilot or clear transition plan to a permanent program.²⁰

¹⁹ *Rebuttal Testimony of Matthew Lucas*, p. 3, line 1- p. 5, line 3.

²⁰ *Id.* at p. 4, line 12- p. 5, line 3.

1 **Q. Does Renew Missouri have a response to Mr. Lucas' conditions?**

2 A. Yes. Renew Missouri does not object to reasonable conditions placed on a pilot program. In
3 fact, Renew Missouri recommended a robust learning objective plan be implemented as part of a
4 RBSP as part of its direct testimony in this case.²¹

5 **V. RESPONSE TO STAFF WITNESS AMY EICCHOLZ REGARDING LI SOLAR**
6 **PROGRAMS**

7 **Q: Have you reviewed the rebuttal testimony of Staff witness Amy Eiccholz²² regarding**
8 **LI solar programs?**

9 A: Yes. Ms. Eiccholz recommends that, if Ameren Missouri offers a LI solar program, that
10 the application be done as a separate tariff filing or a CCN application rather than a rate
11 case. She states the purpose of her recommendation is to give parties a full opportunity to
12 evaluate any such program. Renew Missouri recognizes any approved LI solar program
13 would require CCN approval from the Commission to build the generating facility.
14 Furthermore, Renew Missouri would not object to the Commission ordering²² any such
15 associated LI solar tariff be proposed as a separate tariff filing, or as part of the CCN case,
16 to allow parties to more thoughtfully consider the program.

17 **VI. CONCLUSION**

18 **Q. Please summarize your rebuttal testimony.**

19 A. Renew Missouri continues to support its proposal, outlined in direct testimony, regarding
20 the appropriate way to integrate TOU rates with net-metered customers. However, Renew
21 Missouri, as stated in rebuttal, agrees with Ameren Missouri witness Wills that the method

²¹ *Direct Testimony of James Owen*, p. 19, line 20- p. 20, line 16.

²² *Rebuttal Testimony of Amy Eiccholz*, p. 2, line 1 – p. 5, line 4.

1 approved in recently concluded Evergy West rate case is an appropriate compromise that has prior
2 Commission approval and allows for recognition of price signals while complying with the Net
3 Metering and Easy Connection Act. Nor does Renew Missouri oppose Staff's proposed method of
4 incorporating net-metered customers on to all TOU rate plans as the most important end goal is
5 access to all TOU plans as required by statute and Commission precedent. Renew Missouri
6 continues to support expansion plans for the RSP but clarifies that a modification, in the unlikely
7 event a RSP facility is not fully subscribed, to allow for RECs to pass to all customers is a potential
8 additional benefit in favor of expanding these programs. Renew Missouri continues to recommend
9 Ameren Missouri propose a RBSP in its next rate case to allow Ameren Missouri to gain
10 experience in integrating this ever-expanding technology in order to futureproof the grid. Renew
11 Missouri also does not object to the conditions of Staff witness Matthew Lucas for a RBSP. Finally,
12 Renew Missouri does not oppose Staff witness Eiccholz's suggestions on any tariff related to a LI
13 solar program be considered as part of the appropriate CCN proceeding, or a separate tariff
14 proceeding, rather than in a rate case.

15 **Q. Does this conclude your testimony?**

16 A. Yes.

17

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

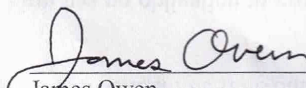
In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Tariffs to Adjust) **File No. ER-2024-0319**
Its Revenues for Electric Service)

AFFIDAVIT OF JAMES OWEN

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

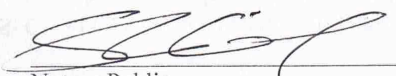
COMES NOW James Owen, and on his oath states that he is of sound mind and lawful age; that he prepared the attached Surrebuttal Testimony; and that the same is true and correct to the best of his knowledge and belief.

Further the Affiant sayeth not.


James Owen

Subscribed and sworn before me this 14th day of February 2025.




Notary Public

My commission expires: 09/02/2026