

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri for a Variance from the) File No. EE-2019-
Timing Requirements of 4 CSR 240-20.094(7)(K).)

**NOTICE OF CASE FILING, REQUEST FOR VARIANCE,
AND REQUEST FOR EXPEDITED CONSIDERATION**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), and pursuant to 4 CSR 240-2.060(4), 4 CSR 240-2.080(14), 4 CSR 240-4.017, and 4 CSR 240-20.094(11), submits this *Notice of Case Filing, Request for Variance, and Request for Expedited Consideration* ("Notice and Requests") to facilitate a variance from the timing requirements of 4 CSR 240-20.094(7)(K), which only allows opt-out customers to opt back in to energy efficiency programs two to four months in advance of the calendar year they want to resume participation. In support of its position, Ameren Missouri states as follows:

INTRODUCTION

1. 4 CSR 240-20.094(7)(K) allows a customer who has opted out of energy efficiency program participation to "revoke an opt-out by providing a written notice to the utility and commission two to four (2-4) months in advance of the calendar year for which it will become eligible for the utility's demand-side programs' costs and benefits." As the addition of demand response programming to Ameren Missouri's suite of MEEIA¹ 2019-21 programs has become more publicized, several opted-out customers have indicated they want to revoke their opt-outs in sufficient time to begin participating in these programs beginning with the 2019 program season.² Because increased participation in demand response programming provides benefits to both participating and nonparticipating customers, Ameren Missouri requests a variance of the timing

¹ Missouri Energy Efficiency Investment Act.

² The program season runs from May through September, inclusive. See Electric Service Tariff Sheet No. 247.

requirement, and instead allow customers to revoke their opt-outs in sufficient time to begin demand response program participation with the 2019 program season.

2. Under 4 CSR 240-4.017(1)(D), waivers of the 60-day notice may be granted for good cause shown. Good cause includes, among other things, providing a verified statement that no communications have occurred with the office of the commission within the preceding 150 days regarding a substantive issue likely to be in the case. Ameren Missouri meets this requirement. Through this pleading, the Company provides notice that this case involves a variance request from the timing requirements for requests to revoke opt-outs from MEEIA programs.

3. In support of its position and in compliance with 4 CSR 240-20.094(11), 4 CSR 240-2.060(1), 4 CSR 240-2.060(4), 4 CSR 240-2.80(14), and 4 CSR 240-4.017(1)(D), Ameren Missouri provides the required information in the following sections of this *Notice and Requests*:

- I. 4 CSR 240-2.060(1), (A) through (M)³
- II. 4 CSR 240-2.080(14)
- III. Requested Variance

I. 4 CSR 240-2.060(1), (A) through (M)

Paragraph (A) – Applicant

4. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and

³ Those requesting variances pursuant to 4 CSR 2.060(4) must also provide the information required by 4 CSR 2.060(1).

gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph (G) – Information Previously Submitted; Paragraph (H) – Character of Business⁴

5. Ameren Missouri previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105), as well as its Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. EN-2011-0069 and GN-2011-0070). The Company also recently submitted to the Commission a certified copy of its Certificate of Corporate Good Standing in File No. EA-2018-0202. These documents are incorporated by reference and made a part of this *Notice and Requests* for all purposes.

Paragraph I – Correspondence and Communication

6. Correspondence, communications, orders and decisions in regard to this *Notice and Requests* should be directed to the undersigned counsel:

For the Company:

Paula N. Johnson
Senior Corporate Counsel
Ameren Missouri
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149
(314) 554-3533 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

⁴ Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees⁵

7. Ameren Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this *Notice and Requests*. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates. Company has no annual report or assessment fees overdue to this Commission.

Paragraph (M) – Affidavit

8. An affidavit in support of this *Notice and Requests* by an officer of the Company is included as Exhibit A.

II. 4 CSR 240-2.080(14)

9. Ameren Missouri asks that the Commission grant expedited treatment and issue an order granting this variance by April 5, 2019. Doing so will allow customers sufficient time to revoke opt-outs and perform the enrollment activities necessary to begin participating in Ameren Missouri's MEEIA demand response programs during the 2019 program season. Doing so will not negatively impact any customer. In fact, increased MEEIA participation will provide additional benefits to not only customers who participate in demand response programming, but to all customers because of the overarching benefits of increased MEEIA program participation.

III. Requested Variances

10. 4 CSR 240-4.017(1)(D) allows a variance from the 60-day notice requirement for good cause shown. 4 CSR 240-20.094(11) also allows variance from provisions of the Demand Side Program rule when good cause is shown. The good cause for each of these is discussed in more detail below.

⁵ Paragraph (J) does not apply to Ameren Missouri.

A. 60-Day Notice Requirement

11. Ameren Missouri requests a variance from the 60-day notice requirement of 4 CSR 240-4.017(1), which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case....

Pursuant to 4 CSR 240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case..."⁶ As indicated in the Affidavit attached as Exhibit A, Ameren Missouri has had no communications with the office of the Commission (as defined by 4 CSR 240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days.⁷ Accordingly, Ameren Missouri has established good cause for a waiver from the 60-day requirement of 4 CSR 240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

B. Corrective Actions

12. Ameren Missouri requests a variance from 4 CSR 240-20.094(7)(K) which reads:

Revocation. A customer may revoke an opt-out by providing written notice to the utility and commission two to four (2-4) months in advance of the calendar year for which it will become eligible for the utility's demand-side programs' costs and benefits. Any customer revoking an opt-out to participate in demand-side programs will be required to remain in the demand-side program(s) for the number of years over which the cost of that demand-side program(s) is being recovered, or until the cost of their participation in the demand-side program(s) has been recovered.

⁶ Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

⁷ While Ameren Missouri's MEEIA 2019-21 program did come before the Commission (primarily in the form of an on-the-record presentation to inform the Commission's decision to approve the uncontested settlement reached by the parties to the proceeding), the specific matter of waiving revocation of opt-out requirements was neither raised nor discussed during the 150 days preceding this filing.

13. In other words, the customers who want to once again participate in MEEIA programs must indicate as such via written notice between September 1 and October 31 before the year in which they want to resume participation. While demand response programs were anticipated by Ameren Missouri's MEEIA 2019-21 plan filing, the ultimate plan developed through a settlement between many of that case's parties was not approved by the Commission until December 2018. With the Company's ramp-up to the MEEIA 2019-21 cycle and its increase in publicizing the programs available, more opt-out customers have approached Ameren Missouri to begin participating in the demand response programs as they become effective for the 2019 program season. Given that increased energy efficiency participation provides various benefits to not just the participating customers but also nonparticipating customers, the Company believes it is appropriate to allow customers to revoke their opt-outs out of sequence. In exchange, however, the Company notes that customers who subsequently renew their desire to opt-out should once again be held to the requirements of 4 CSR 240-20.094(7)(L).

14. In light of the foregoing, Ameren Missouri specifically requests a variance from 4 CSR 240-20.094(7)(K), and instead asks that customers who revoke their opt-out status be held to the following:

A customer who wishes to participate in Ameren Missouri's demand-response programming may revoke its opt-out from the costs and benefits of the Company's demand-side programs by providing written notice to the utility and the manager of energy resources department of the commission. If a customer only provides notice of its revocation of opt-out to Ameren Missouri, the Company shall forward a copy of the written notification to the manager of the energy resources department of the commission. A customer who participates in demand-side programs, including demand response, shall be required to participate in demand-side programs funding for a period of three (3) years following the last date the customer received a demand-side incentive or a service. Participation shall be determined based on the premise location regardless of the ownership of the premise.

WHEREFORE, Ameren Missouri respectfully requests that the Commission give expedited treatment to these requested variances and issue a decision by April 5, 2019, granting the requested variance of 4 CSR 240-4.017 (the 60-day notice requirement), and the timing requirements of 4 CSR 240-20.094(7)(K), which will allow customers to revoke their MEEIA opt-outs in sufficient time to participate in demand response 2019 program season.

Respectfully submitted,

/s/ Paula N. Johnson

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

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 20th day of March, 2019.

General Counsel's Office
Missouri Public Service Commission
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102-2230
opcservice@ded.mo.gov

/s/ Paula N. Johnson _____

Paula N. Johnson

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In the Matter of Union Electric Company d/b/a)
Ameren Missouri for a Variance from the) File No. EE-2019-
Timing Requirements of 4 CSR 240-20.094(7)(K).)

AFFIDAVIT OF MATTHEW FORCK

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

Matthew Forck, being first duly sworn on his oath, states:

1. My name is Matthew Forck. I work in the City of St. Louis, Missouri, and I am employed by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") as Assistant Vice President – Community, Economic Development, and Energy Solutions. I direct personnel responsible for the design and implementation of Ameren Missouri's energy efficiency programs offered under the Missouri Energy Efficiency Investment Act.

2. Neither Ameren Missouri nor any person on its behalf has had any communications with the office of the Commission regarding any substantive issue likely to be an issue in the case initiated by this filing during the preceding 150 days.

3. Further, I hereby affirm that the information contained herein and in the Notice of Case Filing, Request for Variance, and Request for Expedited Consideration is true and correct.


Matthew Forck

Subscribed and sworn to before me this 20th day of March, 2019.


Notary Public

My commission expires: March 7, 2021

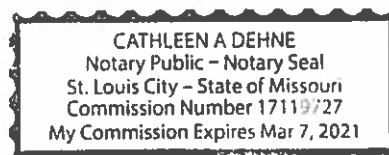


EXHIBIT A