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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
March 4, 2015
Jefferson City, Missouri
Volume 24

In the Matter of Union)
Electric Company d/b/a)
Ameren Missouri's Tariff) File No. ER-2014-0258
to Increase Its Revenues)
for Electric Service)

MORRIS L. WOODRUFF, Presiding,
CHIEF REGULATORY LAW JUDGE.

ROBERT S. KENNEY, Chairman
WILLIAM P. KENNEY,
DANIEL Y. HALL,
SCOTT T. RUPP,
COMMISSIONERS.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR NO. 838

1 APPEARANCES:

2 WENDY K. TATRO, Attorney at Law

MATTHEW TOMC, Attorney at Law

3 Union Electric Company

P.O. Box 66149

4 1901 Chouteau Avenue

St. Louis, MO 63103

5 (314)554-2237

tbyrne@ameren.com

6

FOR: Union Electric Company,

7 d/b/a AmerenUE.

8 DIANA VUYLSTEKE, Attorney at Law

KEN MALLIN, Attorney at Law

9 CAROLE ILES, Attorney at Law

Bryan Cave, LLP

10 211 North Broadway, Suite 3600

St. Louis, MO 63102

11 (314)259-2543

brent.roam@bryancave.com

12

EDWARD F. DOWNEY, Attorney at Law

13 Bryan Cave, LLP

221 Bolivar Street, Suite 101

14 Jefferson City, MO 65101-1575

(573)556-6622

15 efdowney@bryancave.com

16 FOR: Missouri Industrial

Energy Consumers.

17 Noranda Aluminum.

18 JEREMY D. KNEE, Associate General Counsel

Department of Economic Development

19 Harry S Truman Building, Room 680

301 West High Street

20 P.O. Box 1157

Jefferson City, MO 65102

21 (573)522-3304

Jeremy.Knee@ded.mo.gov

22

FOR: Division of Energy.

23

24

25

1 DAVID WOODSMALL, Attorney at Law
Woodsmall Law Office
2 807 Winston Court
Jefferson City, MO 65101
3 (573)797-0005
david.woodsmall@woodsmallllaw.com
4

FOR: MECG.

5
JOHN COFFMAN, Attorney at Law
6 871 Tuxedo Boulevard
St. Louis, MO 63119
7 (573)424-6779
8 FOR: Consumers Council of Missouri.

9 DAVID C. LINTON, Attorney at Law
314 Romaine Spring View
10 Fenton, MO 63026
(314)341-5769
11 djlinton@charter.net

12 FOR: United for Missouri.

13 HENRY B. ROBERTSON, Attorney at Law
Great Rivers Environmental Law Center
14 705 Olive Street, Suite 614
St. Louis, MO 63101
15 (314)231-4181

16 FOR: Sierra Club.

17 RICK D. CHAMBERLAIN, Attorney at Law
6 N.E. 63rd Street, Suite 400
18 Oklahoma City, OK 73105
(405)229-4154
19 rchamberlain@okenergy.com

20 FOR: Wal-Mart Stores East, LP.
Sam's East, Inc.

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24
25

DUSTIN ALLISON, Public Counsel
CHRISTINA BAKER, Assistant Public Counsel
MARC D. POSTON, Senior Public Counsel
TIMOTHY OPITZ, assistant Public Counsel
Office of the Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102-2230
(573)751-4857

FOR: Office of the Public Counsel
and the Public.

KEVIN A. THOMPSON, Chief Staff Counsel
NATHAN WILLIAMS, Deputy Counsel/Electric
CULLY DALE, Senior Counsel
JOHN BORGMEYER, Deputy Counsel/Gas
JEFF KEEVIL, Senior Counsel
ALEXANDER ANTAL, Legal Counsel
MARCELLA MUETH, Legal Counsel
WHITNEY PAYNE, Legal Counsel

Missouri Public Service Commission
P.O. Box 360
200 Madison Street
Jefferson City, MO 65102
(573)751-3234

FOR: Staff of the Missouri Public
Service Commission.

1 P R O C E E D I N G S

2 (WHEREUPON, the hearing began at
3 8:30 a.m.)

4 (WAL-MART/SAM'S EAST EXHIBIT NOS. 750
5 THROUGH 755 WERE MARKED FOR IDENTIFICATION BY THE
6 REPORTER.)

7 JUDGE WOODRUFF: Welcome back for
8 another day of the Ameren rate case hearing,
9 ER-2014-0258. We're actually going to take a short
10 break before we proceed any further today. I got
11 word from the Commissioners that they've been a
12 little bit delayed by the weather and want a chance
13 to be here from the start. So we'll take a
14 15-minute break. Come back at 8:45.

15 (A BREAK WAS TAKEN.)

16 JUDGE WOODRUFF: Okay. It's 8:45, so
17 let's go ahead and get back on the record. Before
18 we bring Ms. Kliethermes up to the stand, is there
19 anything, any preliminary matters anyone needs to
20 take up?

21 (No response.)

22 JUDGE WOODRUFF: All right. Then
23 we'll bring Ms. Kliethermes up.

24 MR. ANTAL: Staff recalls Ms. Sarah
25 Kliethermes.

1 JUDGE WOODRUFF: Is this the first
2 time you've testified in this hearing?

3 THE WITNESS: No. I testified
4 earlier on the Noranda load issue.

5 JUDGE WOODRUFF: So you are still
6 under oath.

7 THE WITNESS: Yes.

8 MR. ANTAL: And Ms. Kliethermes will
9 be reappearing later in this proceeding and her
10 testimony's already been offered, so we'll just
11 tender her for cross.

12 JUDGE WOODRUFF: Okay. Thank you.
13 And cross, we begin with Public Counsel.

14 MR. ALLISON: No questions.

15 JUDGE WOODRUFF: Consumers Council?

16 MR. COFFMAN: No questions, your
17 Honor.

18 JUDGE WOODRUFF: Wal-Mart?

19 MR. CHAMBERLAIN: No questions.

20 JUDGE WOODRUFF: Sierra Club?

21 MR. ROBERTSON: No questions.

22 JUDGE WOODRUFF: Ameren?

23 MR. MITTEN: No questions.

24 JUDGE WOODRUFF: MIEC?

25 MR. DOWNEY: A couple of questions.

1 MR. DOWNEY: Are we at 520, Judge?

2 JUDGE WOODRUFF: Yes.

3 (MIEC EXHIBIT NOS. 520 THROUGH 523
4 WERE MARKED FOR IDENTIFICATION BY THE REPORTER.)

5 SARAH KLIETHERMES testified as follows:

6 CROSS-EXAMINATION BY MR. DOWNEY:

7 Q. Good morning.

8 A. Good morning.

9 Q. Would you tell the Commission what
10 Exhibit 520 is?

11 A. 520 is a response to DR 0574 in this
12 matter.

13 Q. That's all I need. I'm trying to
14 make it easy on everybody so they can mark these
15 exhibits.

16 A. Sure.

17 Q. 521?

18 A. That would be the response to 0575.

19 Q. Exhibit 522?

20 A. 0583.

21 Q. And Exhibit 523?

22 A. 0585.

23 Q. And did you prepare these DR
24 responses?

25 A. I did.

1 **Q.** And are they in response to DRs
2 **proposed by the MIEC?**

3 A. They are.

4 **Q.** Now, in your deposition I think you
5 **indicated that you inadvertently failed to include**
6 **column headings on the second page of Exhibit 520.**
7 **Do you recall that?**

8 A. Yes.

9 **Q.** Would you tell the Commission what
10 **the proper column headings are? Again, we're on**
11 **page 26 of Exhibit 520.**

12 A. Yes. That first column with the
13 2 billion figure in it would be the total, and that
14 total is related to the sum of the columns next to
15 it, which are -- should be titled RES, SGS,
16 LGS/SPS, LPS, LTS and lighting.

17 **Q.** Would RES stand for residential?

18 A. Yes.

19 MR. DOWNEY: Thank you. Judge, I'd
20 offer Exhibits 520, 521, 522 and 523.

21 JUDGE WOODRUFF: Just a minute. So
22 I'm clear, 520 is 0574, 521 is 575, 522 is 583 and
23 523 is 585; is that correct?

24 MR. DOWNEY: Yes.

25 JUDGE WOODRUFF: Okay. Those

1 exhibits have been offered. Any objection to their
2 receipt?

3 MR. ANTAL: No objection.

4 JUDGE WOODRUFF: Hearing none, they
5 will be received.

6 (MIEC EXHIBIT NOS. 520 THROUGH 523
7 WERE RECEIVED INTO EVIDENCE.)

8 MR. DOWNEY: No further questions.

9 JUDGE WOODRUFF: We'll come up for
10 questions from the Bench. Chairman Kenney?

11 CHAIRMAN KENNEY: No questions.

12 JUDGE WOODRUFF: Commissioner Kenney?

13 COMMISSIONER W. KENNEY: No
14 questions.

15 JUDGE WOODRUFF: Commissioner Hall?

16 COMMISSIONER HALL: No questions.

17 Thank you.

18 JUDGE WOODRUFF: So no need for
19 recross. Any redirect?

20 MR. ANTAL: No, your Honor.

21 JUDGE WOODRUFF: Then,
22 Ms. Kliethermes, you can step down.

23 (Witness excused.)

24 MR. ANTAL: Staff calls Mr. Brad
25 Fortson.

1 JUDGE WOODRUFF: Good morning. I
2 believe this is your first time testifying, right?

3 THE WITNESS: Yes.

4 (Witness sworn.)

5 JUDGE WOODRUFF: Thank you. You may
6 inquire.

7 BRAD FORTSON testified as follows:

8 DIRECT EXAMINATION BY MR. ANTAL:

9 Q. Mr. Fortson, would you please state
10 and spell your name for the court reporter.

11 A. Yes. Brad Fortson. It's B-r-a-d,
12 F-o-r-t-s-o-n.

13 Q. And, Mr. Fortson, how are you
14 employed?

15 A. Regulatory Economist 2 with the
16 Public Service Commission.

17 Q. Are you the same Mr. Brad Fortson who
18 prepared or caused to have prepared sections of
19 Staff's Revenue Requirement Cost of Service Report,
20 Staff's Rate Design and Class Cost of Service
21 Report, as well as rebuttal and surrebuttal
22 testimony in this proceeding?

23 A. Yes.

24 Q. Do you have any corrections to those
25 testimonies at this time?

1 A. I do not.

2 Q. And if I were to ask you the same
3 questions, would your answers be the same?

4 A. They would.

5 Q. Are those answers true and accurate
6 to the best of your knowledge and belief?

7 A. Yes.

8 MR. ANTAL: Your Honor, I believe
9 this is the only time that Mr. Fortson will be
10 appearing in this proceeding. We'll offer his
11 rebuttal and surrebuttal testimony and tender him
12 for cross.

13 JUDGE WOODRUFF: All right. 215 and
14 216 have been offered. Any objections to their
15 receipt?

16 (No response.)

17 JUDGE WOODRUFF: Hearing none, they
18 will be received.

19 (STAFF EXHIBIT NOS. 215 AND 216 WERE
20 RECEIVED INTO EVIDENCE.)

21 JUDGE WOODRUFF: For cross, beginning
22 with Public Counsel.

23 CROSS-EXAMINATION BY MR. ALLISON:

24 Q. How are you, sir?

25 A. Good.

1 Q. Just a couple of questions. Do you
2 have your rebuttal testimony in front of you?

3 A. I do.

4 Q. If you could turn to page 6.

5 A. Okay.

6 Q. I believe at the top of page 6 is
7 your answer in response to how revenue neutral
8 adjustments were applied in previous cases, and I
9 think you state -- and tell me if I'm reading this
10 incorrectly -- in Ameren's last general rate case,
11 and I'm going to skip through the numbers, the
12 lighting class received a positive adjustment and
13 the LGS and SPS class received a negative
14 adjustment. In the case prior to that, the RES and
15 lighting classes received a positive adjustment
16 while SGS, LGS and SPS, LPS and LTS classes
17 received a negative adjustment. And in Case No.
18 ER-2010, the RES, SGS and LPS classes received
19 positive adjustments, while the LGS, SPS and LTS
20 classes received negative adjustments. You then
21 say, the revenue neutral adjustments are summarized
22 in the attached schedule; is that correct?

23 A. Yes.

24 Q. Okay. Let's go to the attached
25 schedule.

1 A. Okay.

2 Q. I just want to make sure I understand
3 this right. Where the numbers are negative,
4 what -- that means what?

5 A. That it is a negative shift, a
6 decrease in -- a negative revenue neutral shift.
7 So it decreases.

8 Q. That class is paying less, right?

9 A. Yes.

10 Q. So in the LGS and SPS column, for the
11 2010-0036 case, there was a negative shift of
12 .61 percent, in the 2011-0028 case there's a
13 negative shift of 1.78 percent, and then the
14 2012-0166 case there's a negative shift of .18
15 percent; is that correct?

16 A. Correct.

17 Q. And then the top line is Staff's
18 recommendation?

19 A. Yes.

20 Q. And then in the RES column, there's a
21 positive shift of 1.5 percent in 2010, and a
22 positive shift of 2 percent in 2011; is that
23 correct?

24 A. Correct.

25 Q. And there's no shift in the 2012

1 case, right?

2 A. Right.

3 Q. Okay. I just want to make sure the
4 record was clear on what negative and positive
5 means with respect to that.

6 As you sit here today, do you have
7 any sense of what the dollar value impact of those
8 adjustments was?

9 A. For the previous?

10 Q. Yeah, in the previous cases.

11 A. I do not.

12 Q. Okay. Is it fair to say that a
13 1 percent shift is probably a multi-million-dollar
14 shift?

15 A. Yes.

16 MR. ALLISON: Okay. Fair enough.
17 That's all I have. Thank you.

18 JUDGE WOODRUFF: Consumers Council?

19 MR. COFFMAN: No questions.

20 JUDGE WOODRUFF: Okay. Division of
21 Energy?

22 MR. KNEE: No questions.

23 JUDGE WOODRUFF: Wal-Mart?

24 MR. CHAMBERLAIN: No questions.

25 JUDGE WOODRUFF: Sierra Club?

1 MR. ROBERTSON: No questions.

2 JUDGE WOODRUFF: Ameren?

3 MR. MITTEN: No questions.

4 JUDGE WOODRUFF: MIEC?

5 MR. DOWNEY: No questions.

6 JUDGE WOODRUFF: Questions from the

7 Bench. Mr. Chairman?

8 CHAIRMAN KENNEY: No questions.

9 Thank you.

10 JUDGE WOODRUFF: Commissioner Kenney?

11 COMMISSIONER W. KENNEY: No

12 questions.

13 JUDGE WOODRUFF: Commissioner Hall?

14 QUESTIONS BY COMMISSIONER HALL:

15 Q. Good morning.

16 A. Good morning.

17 Q. Could you summarize for me your
18 understanding of Wal-Mart's proposal in this
19 proceeding?

20 A. Yeah. They -- first, they are
21 recommending a revenue neutral adjustment. It
22 is -- from what I understand, it's a 25 percent
23 shift towards the cost of service in their
24 proposal. After the revenue neutral shift, it's my
25 understanding that the increase allocated to the

1 LGS and SPS classes would then be the customer
2 charge, and the LGS and SPS classes would receive a
3 system average increase, while the remaining
4 increase would be allocated evenly to the first
5 block of the energy charge and the demand charge,
6 and the second and third blocks of the energy would
7 remain the same. That's within the LGS and SPS
8 classes.

9 **Q. So what is the effect on the other**
10 **classes, if any?**

11 A. They would receive a revenue neutral
12 adjustment increase or decrease, and then I believe
13 it was -- I think it was an equal percentage
14 allocation to the remaining classes.

15 **Q. And what is your opinion of this**
16 **proposal?**

17 A. I -- I don't think it's unreasonable.
18 Staff's proposal is more appropriate in this case,
19 but I don't see that any other recommendation in
20 this case was out of line or unreasonable. They --
21 between -- specifically between the -- Wal-Mart's
22 recommended rate design and Staff's, we both --
23 both recommend a revenue neutral adjustment. Just
24 the way it's allocated to the different rate
25 components differ.

1 **Q. Do you have any idea what a typical**
2 **Wal-Mart store savings might be if we were to**
3 **implement Wal-Mart's proposal?**

4 A. I don't offhand, which was one of the
5 reasons that Staff couldn't or doesn't support
6 Wal-Mart's recommendation at the time, because a
7 much deeper analysis or more in-depth analysis
8 would need to be done, because it goes beyond just
9 the Wal-Mart customers. It's -- you know, the
10 entire class consists of approximately 11,000
11 customers. So, I mean, a much further analysis
12 would need to be done to be able to base that on.

13 **Q. How complicated is that analysis if**
14 **we wanted to find out what a -- what a typical**
15 **member of that class' savings might be?**

16 A. Well, I'm not sure exactly what all
17 that would entail. I do know that Ameren witness
18 Mr. Davis did a bill impact study, and his results
19 were I think in his -- one of his -- I think his
20 rebuttal testimony. But, I mean, he showed -- he
21 had results and, I mean, the information was
22 readily available or I assume was readily available
23 for Ameren to be able to access that and much
24 easier for them than, say, us.

25 The information should be accessible,

1 but it would be time consuming and -- but it would
2 need to be done to be able to further judge whether
3 to recommend in the future or not.

4 COMMISSIONER HALL: Thank you.

5 THE WITNESS: Thank you.

6 JUDGE WOODRUFF: Any recross based on
7 those questions from the Bench?

8 Any redirect?

9 MR. ANTAL: No, thank you.

10 JUDGE WOODRUFF: Okay. Mr. Fortson,
11 you can step down.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 JUDGE WOODRUFF: The next witness
15 then is Mr. Chriss for Wal-Mart. Please raise your
16 right hand.

17 (Witness sworn.)

18 JUDGE WOODRUFF: You may inquire.

19 MR. CHAMBERLAIN: Thank you.

20 STEVE W. CHRISS testified as follows:

21 DIRECT EXAMINATION BY MR. CHAMBERLAIN:

22 Q. Good morning. Would you state your
23 name, please.

24 A. My name is Steve W. Chriss, last name
25 is C-h-r-i-s-s.

1 Q. Mr. Chriss, by whom are you employed?

2 A. Wal-Mart Stores, Incorporated.

3 Q. What is your -- in what capacity are
4 you employed?

5 A. I am Senior Manager - Energy
6 Regulatory Analysis.

7 Q. And, Mr. Chriss, did you cause to be
8 filed several pieces of testimony in this case?

9 A. Yes.

10 Q. And let me walk you through those.
11 Would you identify what's been marked as

12 Exhibit 750? Do you have that in front of you?

13 A. That would be the direct testimony
14 and schedules in the revenue requirement phase.

15 Q. And then would you identify
16 Exhibit 751, please?

17 A. That would be my direct testimony and
18 schedules in the cost of service phase.

19 Q. And then would you also identify
20 Exhibit 752?

21 A. That's my rebuttal testimony in the
22 cost of service phase.

23 Q. And would you identify Exhibit 753,
24 please?

25 A. That's my surrebuttal testimony in

1 the cost of service phase.

2 MR. CHAMBERLAIN: And then I will --
3 what's been marked as Exhibit 754, your Honor, that
4 is actually a motion that we filed seeking to
5 substitute completed schedules that relate to
6 Mr. Chriss' direct testimony on cost of service.
7 The corrected schedules are attached to that
8 motion, and so that's what has been marked as
9 Exhibit 754.

10 JUDGE WOODRUFF: Did I grant that
11 motion?

12 MR. CHAMBERLAIN: Yes. And then just
13 to clarify, if I might question the witness.

14 BY MR. CHAMBERLAIN:

15 Q. Mr. Chriss, the schedules attached to
16 Exhibit 754, are those the correct schedules that
17 should have been attached to Exhibit 751?

18 A. Yes.

19 Q. Okay. Thank you.

20 MR. CHAMBERLAIN: And then, your
21 Honor, I've also marked as Exhibit 755, this is a
22 motion asking to amend the prefiled rebuttal
23 testimony of Mr. Chriss to include an affidavit,
24 and the affidavit of Mr. Chriss is attached as an
25 exhibit to that. And I believe that order was also

1 granted on that one.

2 BY MR. CHAMBERLAIN:

3 Q. Mr. Chriss, if I were to ask you the
4 questions set forth in these testimonies this
5 morning, would your answers be substantially the
6 same?

7 A. Yes.

8 Q. And I forgot to ask, do you have any
9 corrections or additions to the testimony?

10 A. I only have one correction that I
11 noticed this morning. I apologize to my attorney.
12 Exhibit SWC-11, column 2.

13 Q. Okay. Let me stop you.

14 A. Okay. That's in Exhibit 751.

15 Q. 751. Okay.

16 A. Exhibit SWC-11.

17 Q. SWC-11.

18 A. Column 2, where it talks about class
19 cost of service by function.

20 Q. Okay.

21 A. It sums up to 166 percent. That
22 should be 100 percent.

23 Q. Okay. And --

24 A. That would have to be corrected in
25 754.

1 Q. You anticipated my next question. So
2 then if we go to 754 and turn to Schedule SWC-11 in
3 that exhibit, I see that that also totals to 166?

4 A. That's correct. Yes, that should be
5 100 percent.

6 MR. CHAMBERLAIN: Thank you. Is that
7 clear? And I believe with that, I would tender
8 Mr. Chriss for cross.

9 JUDGE WOODRUFF: I assume you want to
10 offer those exhibits as well?

11 MR. CHAMBERLAIN: I'm sorry.

12 JUDGE WOODRUFF: Do you want to offer
13 750 through 755?

14 MR. CHAMBERLAIN: I do.

15 JUDGE WOODRUFF: 750 through 755 have
16 been offered. Any objection to their receipt?

17 (No response.)

18 JUDGE WOODRUFF: Hearing none, they
19 will be received.

20 (WAL-MART/SAM'S EAST EXHIBIT NOS. 750
21 THROUGH 755 WERE RECEIVED INTO EVIDENCE.)

22 MR. CHAMBERLAIN: Thank you, your
23 Honor.

24 JUDGE WOODRUFF: All right. For
25 cross-examination, let's go ahead and begin with

1 Sierra Club.

2 MR. BECTOR: No questions, your

3 Honor.

4 JUDGE WOODRUFF: Consumers Council?

5 MR. COFFMAN: No questions.

6 JUDGE WOODRUFF: MECG?

7 MR. WOODSMALL: No questions. Thank

8 you.

9 JUDGE WOODRUFF: Public Counsel?

10 MR. ALLISON: No questions.

11 JUDGE WOODRUFF: Staff?

12 MR. ANTAL: No questions.

13 JUDGE WOODRUFF: Ameren?

14 MR. MITTEN: No questions.

15 JUDGE WOODRUFF: MIEC?

16 MR. DOWNEY: No questions.

17 JUDGE WOODRUFF: Come up to questions

18 from the Bench. Chairman?

19 CHAIRMAN KENNEY: Mr. Chriss, thanks.

20 I have no questions.

21 JUDGE WOODRUFF: Commissioner Kenney?

22 COMMISSIONER W. KENNEY: No, thank

23 you.

24 JUDGE WOODRUFF: Commissioner Hall?

25 COMMISSIONER HALL: Yes.

1 QUESTIONS BY COMMISSIONER HALL:

2 Q. Good morning.

3 A. Good morning.

4 Q. Look at your direct testimony,
5 page 8, line 7 through 9. You say that electricity
6 represents a significant portion of the retailers'
7 operating costs, and when rates increase, that
8 increases the cost to retailers and puts pressure
9 on consumer prices and on other expenses required
10 by them to operate. Did I read that correctly?

11 A. That's correct.

12 Q. Are you -- are you suggesting that
13 when -- when rates increase for Missouri Wal-Marts,
14 that that would affect the prices that customers
15 would see in those Wal-Marts, or are you speaking
16 more in a macro perspective, or are you speaking
17 more generally about retailers?

18 A. Well, I think it applies across the
19 board to all retailers. However, for a particular
20 store, their budget for that fiscal year is the
21 budget, and so to the extent that one expense goes
22 up or down, that -- you know, that either something
23 else in the budget has to move or prices have to
24 move. There are things that have to happen.

25 I t's hard to isolate on its own just

1 because there's a lot of budget, both in and out,
2 labor and all the other operational costs. But if
3 you want to keep your margin the same, you either
4 have to increase prices or you have to cut costs
5 someplace else.

6 **Q. So each store sets its own prices?**

7 A. I don't have full visibility to that
8 side of it, but I believe there's some flexibility.
9 That's subject to check. I don't know completely
10 how the pricing is set. But I know that there is
11 variability amongst the stores.

12 **Q. Do you know what the average cost is**
13 **or ballpark cost that a typical Wal-Mart pays for**
14 **electricity in Missouri, or nationally for that**
15 **matter?**

16 A. So nationally we are -- I calculated
17 this, so I'm -- we are somewhere between 8 and
18 8 and a half cents per kilowatt hour for cost of
19 electricity nationally.

20 **Q. Do you have any idea how that**
21 **translates to a monthly bill or an annual bill?**

22 A. It depends on the size of the store.
23 So a typical super center will be on average
24 750 kilowatts, averaging winter and summer demand,
25 for summer peaking.

1 **Q. Could you do the math for me as to**
2 **what that is?**

3 A. I'm working through it.

4 **Q. Okay.**

5 A. I guess it's a combination of in my
6 head and out loud at the same time.

7 **Q. Would you like a calculator? Would**
8 **that --**

9 A. Sure.

10 **Q. Could someone help? Surely somebody**
11 **out here has one.**

12 A. The first time I was on the stand in
13 Missouri, Lewis Mills actually asked me to do
14 calculations and gave me his phone.

15 MR. ALLISON: You're not getting my
16 phone.

17 THE WITNESS: All right. So, I mean,
18 we can even move away from demand and just say, you
19 know, let's say 300,000 kilowatt hours a month on
20 average times point zero -- we'll just call it
21 8 cents. About \$24,000 a month would be the
22 average bill of the average bill if you averaged
23 everything across the country for a, quote,
24 unquote, typical store.

25 BY COMMISSIONER HALL:

1 **Q. And do you have any idea how that**
2 **would compare to what a typical cost would be in**
3 **Missouri?**

4 A. So in Missouri, I think Ameren is
5 slightly below that for us. The last I looked, I
6 think they're in the high 7s. KCP&L is above that
7 and Empire's above that. So Missouri is about
8 average, so ranked somewhere between 20 and 30 in
9 terms of our cost per kilowatt hour.

10 **Q. If you know, how significant is that**
11 **particular line item for Wal-Mart when making**
12 **decisions as to where to place stores?**

13 A. My understanding is that in terms of
14 the decision -- and, again, our store planning
15 process is -- the visibility is very limited just
16 because of the nature of the business and the
17 confidentiality that surrounds all that.

18 But from what I know, it's not a
19 major factor. We have to put stores where the
20 people are. So if there's a population center and
21 we don't have a store there, the fact that there
22 are people there who are potential customers is
23 more important than the electricity rates.

24 However, the electricity is still a
25 very significant operating expense, and it impacts

1 us to the extent that we don't have the
2 flexibility -- and the industrials may not like
3 that I say this, but we don't necessarily have the
4 flexibility that an industrial customer does. We
5 can't say, well, we want to serve customers in the
6 St. Louis area so we're going to build a store in
7 Chicago. We can't do that. The store has to be in
8 St. Louis.

9 So we're fairly captive to what the
10 rate is. We can't pick up and move a store, you
11 know, ten miles down the road because we don't like
12 what the rates are here. So we're a very captive
13 customer once we're there. And so while it may not
14 factor or may not largely factor into the decision
15 process, once the store is built, it's certainly
16 very important.

17 **Q. Are you familiar with a tariff**
18 **that -- actually, let me strike that.**

19 **When -- when Wal-Mart builds a new**
20 **store, does it routinely or on occasion enter into**
21 **negotiations with the electricity provider as to**
22 **setting up distribution to the -- to the facility**
23 **in terms of who pays for what?**

24 **A.** My understanding is that there will
25 be discussions around what lines are put in and,

1 yeah, the facility side of it. There's certainly
2 discussions around that.

3 **Q. And so that -- that is common or**
4 **routine?**

5 A. Yeah, it's routine, because from an
6 engineering standpoint, those discussions have to
7 happen. And my understanding is that, depending on
8 whether or not we are the landowner, whether we own
9 the entire complex of what -- where the store would
10 be, say it's a store and then there's ten
11 outparcels, whether or not we own the entire
12 complex or we just own the store or whether or not
13 we're leasing, all of those things will change how
14 that discussion goes.

15 **Q. No further questions. You will be**
16 **testifying again later today on the economic**
17 **development rider?**

18 A. I didn't submit any EDR testimony.
19 I'm happy to answer any questions, if that helps.

20 **Q. Are you familiar with Ameren's**
21 **economic development rider?**

22 A. At a high level.

23 **Q. What is your understanding of it?**

24 A. That it exists.

25 **Q. That's a pretty high level. So as**

1 far as you know, Wal-Mart's never looked at it and
2 had to make a decision whether to try to take
3 advantage of it?

4 A. As far as I know, we've not looked at
5 it.

6 COMMISSIONER HALL: All right. I
7 have no further questions.

8 JUDGE WOODRUFF: Commissioner Rupp?

9 COMMISSIONER RUPP: Just briefly.

10 QUESTIONS BY COMMISSIONER RUPP:

11 Q. Do any of your Wal-Mart stores
12 receive any type of tax incentive or tax credit or
13 special financing from a local government, state
14 government, that has any effect on the rates that
15 it pays or any rebates or anything on its utility
16 costs?

17 A. The only thing that I'm aware of that
18 would impact the utility costs is that, to the
19 extent that the store has done something
20 specifically like an energy efficiency rebate or
21 incentives around onsite solar, that sort of thing.

22 Q. Okay. So no riders to TIF financing
23 and local municipalities as an offset for utility
24 rates?

25 A. I'm not aware of anything as it

1 regards to utility rates. I mean, in terms of
2 local economic development incentives, those may be
3 there, but that's not the part of the business that
4 I work in, so I don't have visibility to that.

5 But in terms of specific utility rate
6 ones, and I guess part of it is, it depends on how
7 broadly you define it. So in a state like Georgia,
8 there are rules where if you are building the store
9 within -- I don't recall specifically, but
10 there's -- if you are X miles away from two
11 utilities, they can both bid for service. So
12 Georgia Power competes against all of the local
13 coops down there to get service for our store, and
14 we can make a one-time election to determine from
15 whom we take service.

16 Q. But no knowledge of any Missouri
17 specific?

18 A. Not that I know of, no.

19 COMMISSIONER RUPP: thank you.

20 JUDGE WOODRUFF: Any recross based on
21 those questions from the Bench? Public Counsel?

22 MR. ALLISON: Yeah.

23 RECROSS-EXAMINATION BY MR. ALLISON:

24 Q. Just one question, sir, following up
25 from Commissioner Hall's question. Hypothetically,

1 if you were to see a tariff, an economic
2 development tariff that had a prohibition on retail
3 customers accessing that tariff, is Wal-Mart
4 generally opposed or generally in support of that
5 type of prohibition?

6 A. I mean, I would prefer that that
7 prohibition did not exist. However, other factors
8 such as -- and this goes back to the question from
9 Commissioner Hall a little earlier -- we build
10 stores where the customers are. So we may not have
11 the ability to say that this EDR rider drove our
12 decision to locate here. And so there are other
13 things like that in there that can limit our use in
14 general.

15 MR. ALLISON: Okay. Fair enough.
16 Thank you. I just wanted to clarify that.

17 JUDGE WOODRUFF: Anything else?
18 Redirect?

19 Mr. CHAMBERLAIN: No, thank you.

20 JUDGE WOODRUFF: All right.

21 Mr. Chriss, you can step down.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 JUDGE WOODRUFF: Dr. Marke. And you
25 also testified earlier in this case; is that

1 correct?

2 THE WITNESS: I did, your Honor.

3 JUDGE WOODRUFF: You are also still
4 under oath.

5 THE WITNESS: Yes.

6 JUDGE WOODRUFF: And you may inquire.

7 MR. ALLISON: Thank you, sir.

8 Dr. Marke, because you've testified
9 previously, and I believe your direct, rebuttal and
10 surrebuttal testimony has been previously offered
11 for admission, at this time I would ask that the
12 Commission rule on the prior motion to admit
13 Exhibits 403HC and NP, 404 and 405 into evidence.

14 JUDGE WOODRUFF: Actually, I didn't
15 see that -- I hadn't marked them that they'd been
16 offered.

17 MR. ALLISON: I will make that
18 motion.

19 JUDGE WOODRUFF: 403HC and NP, 404
20 and 405 have been offered. Any objection to their
21 receipt?

22 (No response.)

23 JUDGE WOODRUFF: Hearing none, they
24 will be received.

25 (STAFF EXHIBIT NO. 403 HC AND NP, 404

1 AND 405 WERE RECEIVED INTO EVIDENCE.)

2 MR. ALLISON: And I now tender the
3 witness. I'm sorry. I think we screwed that up,
4 because it hadn't been priorly -- hadn't been
5 previously offered, but since there's no objection,
6 I will go ahead and tender the witness for
7 cross-examination.

8 JUDGE WOODRUFF: Okay. And for
9 cross-examination, beginning with Consumers
10 Council?

11 MR. COFFMAN: Yes.
12 GEOFF MARKE testified as follows:
13 CROSS-EXAMINATION BY MR. COFFMAN:

14 Q. I'll take this advantage to ask a
15 question that's been the subject of some
16 Commissioner inquiry earlier. The notion that
17 fixed costs should go into a fixed charge for
18 residential customers, it has a certain simplistic
19 appeal logically. What's wrong with that idea?

20 A. Good morning, Mr. Coffman. Yes, so
21 the notion that -- I think the question, if I can
22 restate it, is what would be inherently wrong with
23 raising the fixed customer charge in this
24 proceeding?

25 And I've given this a lot of thought.

1 Look at it from a couple of different ways. First
2 of all -- first of all, it generally goes against
3 regulatory practice in Missouri. For the most
4 part, what we see are fixed costs going towards
5 costs that can be allocated to a specific customer.
6 So we're talking about the drop, the administrative
7 cost, the actual bill itself.

8 Anything in excess and beyond that presents
9 a situation where it could be perceived as
10 regressive. By regressive what I mean is it's
11 negative towards low-income individuals, incomes
12 on -- people that are on fixed incomes, individuals
13 that have made serious investments in energy
14 efficiency. Say, for example, Commissioner Kenney
15 going ahead and putting in 70 LED light bulbs.
16 What that effectively does is that prolongs the
17 payback on energy efficiency products.

18 One way of looking at this, and to
19 the best of my knowledge as I understand it,
20 there's quite a bit of literature on why this is
21 important, is it sends a wrong price signal, for
22 one.

23 **Q. Let me get back to the question about**
24 **whether a fixed cost should be divided up on a**
25 **per-customer basis. Just because a cost is fixed**

1 with regard to the utility, does that mean it's
2 driven by customer counts or the number of
3 customers? Does that make -- are you following my
4 question?

5 A. I believe so.

6 Q. I'm trying to be helpful here.

7 A. Yeah, I know. You know, when I look
8 at Ameren rate design, a couple of things jump out
9 at me right off the bat. And I think what Ameren
10 has done so far is they tend to have a lower fixed
11 charge where they have the lowest fixed charge in
12 the state at \$8, unfortunately.

13 I look and see what has happened
14 between 2012 and the current rate case, and to me
15 the biggest factor that's taken place is that we
16 had a Commission-approved MEEIA program, and that
17 MEEIA program generated lost revenues. It
18 generated lost revenues that are associated with
19 fixed costs.

20 And that's important to remember here
21 because that's a bill, and that's a surcharge that
22 is being realized on customer bills each month.
23 That's separate and aside from this rate case, but
24 that goes into effect this February.

25 Now, to the extent that we move

1 forward and we're promoting energy efficiency, as a
2 least cost resource, that would run counter to it.

3 Q. Okay. Let's talk about a fixed cost
4 that's related to a power plant. Is that fixed
5 cost driven by the number of customers or the usage
6 demand?

7 A. The usage.

8 Q. Even though it's a fixed cost?

9 A. (Witness nodded.)

10 Q. So does it make -- is it logical then
11 to take that fixed cost and just divide it by the
12 number of customers and allocate it?

13 A. Yes. I'm sorry. Please restate
14 that.

15 Q. If a cost such as a generation plant
16 fixed cost is -- has to be built as big as it is,
17 as large as it is as a cost based on the demand, if
18 you divide that up and put that into the fixed
19 portion of the rate, you're not recognizing the
20 demand, are you?

21 A. No.

22 MR. COFFMAN: Thank you. That's all
23 I have, your Honor.

24 JUDGE WOODRUFF: For Sierra Club?

25 MR. BECTOR: No questions, your

1 Honor.

2 JUDGE WOODRUFF: For the Staff?

3 MR. ANTAL: No questions.

4 JUDGE WOODRUFF: For the Division of
5 Energy?

6 MR. KNEE: No questions.

7 JUDGE WOODRUFF: For Wal-Mart?

8 MR. CHAMBERLAIN: No questions.

9 JUDGE WOODRUFF: For Ameren?

10 MR. MITTEN: I do have a few
11 questions, your Honor. Thank you.

12 CROSS-EXAMINATION BY MR. MITTEN:

13 Q. Good morning, Dr. Marke.

14 A. Good morning, Mr. Mitten.

15 Q. In response to Mr. Coffman's question
16 about Ameren's proposal to increase the cus-- the
17 residential customer charge in this case, you
18 indicated that that proposal goes against
19 regulatory practice in Missouri?

20 A. In general.

21 Q. Looking at your direct testimony,
22 you've been employed by the Office of Public
23 Counsel since April of 2014; is that correct?

24 A. That is correct.

25 Q. Is this the first general rate case

1 in which you've ever given rate design testimony?

2 A. It is.

3 Q. Do you feel you're qualified to
4 testify on what the regulatory practices in all of
5 America is?

6 MR. ALLISON: Objection. It's
7 argumentative.

8 JUDGE WOODRUFF: Overruled.

9 THE WITNESS: Yes.

10 BY MR. MITTEN:

11 Q. You also indicated that an increase
12 in the customer charge could be perceived as
13 regressive, and you suggested that it could have
14 negative effects on low-income individuals; is that
15 right?

16 A. It does, yes.

17 Q. What if a low-income individual has
18 higher than average usage, would a -- an increase
19 in the customer charge and a corresponding decrease
20 in the commodity charge be regressive for that
21 customer?

22 A. So -- the hypothetical, so what if,
23 and how do we look at low-income individuals and
24 their usage patterns?

25 Q. I wasn't speaking hypothetically.

1 Don't you agree --

2 A. I'm sorry. I'm speaking out loud.

3 Q. Don't you agree that if the company
4 increases its customer charge, there will be a
5 corresponding decrease in the commodity charge for
6 the residential rate class?

7 A. Just that isolated question?

8 Q. Yes.

9 A. Yes.

10 Q. And would you agree with me that for
11 a low-income customer with higher than average
12 usage, that an increase in the customer charge and
13 a corresponding decrease in the commodity charge
14 would not be regressive?

15 A. I would be concerned that that
16 movement would run counter to existing policy
17 that's in place to --

18 Q. But that wasn't my question. Would
19 it be regressive?

20 A. So assuming that nothing else --
21 there are no other variables in play, yes.

22 Q. It would be regressive?

23 A. It would not be.

24 Q. You also indicated that basing a
25 customer charge on fixed costs would send the wrong

1 price signal. How would that send the wrong price
2 signal, Dr. Marke?

3 A. It would send the wrong price signal
4 because at this point customers wouldn't have as
5 much control over their bills.

6 Q. But the price signal that we'd be
7 sending is that there is a fixed cost that Ameren
8 Missouri incurs in order to provide service to the
9 customer?

10 A. Uh-huh.

11 Q. And if those costs are captured in
12 the customer charge, how does that send the wrong
13 price signal to a customer?

14 A. See, the way that I look at this,
15 Mr. Mitten, is the Public Service Commission has
16 already thought this out --

17 Q. But again --

18 A. -- by accounting for two factors in
19 particular, but one is lost revenue mechanism
20 that's collected through the MEEIA program. And
21 the second one is the declining block rate that
22 currently exists that most parties argue actually
23 promotes --

24 Q. That wasn't my question. That wasn't
25 my question. My question was, if -- if you capture

1 in the customer charge the fixed cost that Ameren
2 Missouri incurs to provide service to customers,
3 how does that send a wrong price signal to a
4 customer?

5 A. I think most economists or micro
6 economists would argue that in the long run all
7 costs are variable. So what this process is doing
8 is having a very short-term view at the expense of
9 a longer-term outlook.

10 Q. But the view that I'm talking about
11 is this rate case until the next rate case. If the
12 customer charge captures all of the cost that
13 Ameren Missouri incurs --

14 A. But it doesn't.

15 Q. -- to provide service to a customer,
16 how does that send the wrong price signal?

17 A. It sends the wrong price signal,
18 again, because in today's regulatory environment,
19 it's not -- gone are the days of just rate design.
20 What we're looking at is policy prescription
21 layered on top of policy prescription.

22 And as we look forward to least cost
23 resources, as we look forward to federal mandates
24 that get forced down upon us, we need to act
25 accordingly. Raising the fixed cost is

1 short-sighted. Raising the fixed cost runs counter
2 to policy that's in place today. 50 cents doesn't
3 sound like a lot. A more cynical individual might
4 go ahead and point out that -- I apologize.

5 **Q. Let me see if I can go about this a**
6 **different way.**

7 A. Okay.

8 **Q. If the costs are truly fixed, would**
9 **you be sending the right price signal by pushing**
10 **those on to the commodity charges?**

11 A. I think one could make an argument it
12 might be.

13 **Q. Well, is that the argument that you**
14 **would make?**

15 A. Not accounting for other variables,
16 yes.

17 **Q. Not accounting for other variables.**
18 **I'm not sure I understand what that means.**

19 A. I think what I alluded to before.

20 **Q. So you can't give me a simple yes or**
21 **no answer whether or not if fixed costs are pushed**
22 **on to commodity charges, that that provides a false**
23 **price signal?**

24 A. Yes.

25 MR. MITTEN: It does. Thank you. No

1 further questions.

2 JUDGE WOODRUFF: MIEC?

3 MR. DOWNEY: No questions.

4 JUDGE WOODRUFF: Questions from the
5 Bench. Mr. Chairman?

6 CHAIRMAN KENNEY: Just briefly.

7 QUESTIONS BY CHAIRMAN KENNEY:

8 Q. Dr. Marke, thanks for being here. I
9 just want to revisit something that you just said
10 and make sure I understand it, regarding the
11 increasing the fixed charge. As a general
12 proposition, you're saying that raising that fixed
13 charge, coupled with the MEEIA surcharge, would run
14 counter to the stated goal of MEEIA to promote
15 energy efficiency?

16 A. Yes, sir.

17 Q. And why is that?

18 A. In short, any sort of increase in a
19 customer's ability to control their bills in terms
20 of energy efficiency investments would run counter
21 to that. It sends the wrong price signal in that
22 sense. And this is consistent --

23 Q. With respect to promoting energy
24 efficiency?

25 A. Yes, sir.

1 **Q. Okay. Go ahead. I'm sorry.**

2 A. I would say this is consistent with a
3 number of different literature that's out there.
4 It's also consistent with Ameren's -- Ameren
5 Missouri's IRP and a lot of their dynamic pricing
6 research today.

7 **Q. How so?**

8 A. The recent triennial IRP included
9 a -- an examination done by the Patel Group to go
10 ahead and look at dynamic pricing, or one of the
11 conclusions of that paper was that just including
12 stuff like inclining block rates just alone, we
13 didn't even do MEEIA, if we didn't have any of
14 these energy efficiency programs, just redesigning
15 that rate design by itself, and that by itself
16 would go ahead and produce the exact same savings,
17 if not more.

18 **Q. The exact same savings as?**

19 A. The current proposed MEEIA
20 application.

21 **Q. Because as you -- you're charged more**
22 **for the more usage that you use with an inclining**
23 **block rate?**

24 A. Yeah.

25 **Q. And so that would encourage**

1 **efficiency by discouraging higher usage?**

2 A. I look -- I tend to look at it from
3 the point of view of the consumer himself. When I
4 go home, when I get on my kids about turning off
5 lights and such, that's how I approach it. And to
6 the extent I feel like I've got some control, I can
7 go ahead and monitor the temperature of my house,
8 the control of, you know, our appliances, these
9 sort of things, I would like to think that that
10 influences my bill. If I come to find out that it
11 doesn't through fixed charges, then in a sense
12 you're promoting energy usage.

13 Q. **So let me propose the converse. I**
14 **mean, under your theory, then, why not eliminate**
15 **fixed charges altogether and put everything in a**
16 **variable charge?**

17 A. Well, I mean, I would tend to caution
18 against any extreme view. And I think the way that
19 we currently have the rates designed, it recognizes
20 that there are fixed costs that need to go ahead
21 and be collected that are incurred by the
22 individual house, the individual company that are
23 important, and that recognizes it through these
24 charges.

25 Q. **But wouldn't \$8.50 more accurately**

1 recognize it --

2 A. Well --

3 Q. -- while still promoting efficiency?

4 Is the 50 cent charge going to be enough to
5 discourage efficiency use?

6 A. I think cooler heads can prevail and
7 argue whether or not 50 cents here makes a
8 difference one way or the other. I would point the
9 Commission to my earlier testimony that discussed
10 the economic considerations that are currently
11 going on in Ameren Missouri's territory.

12 The reality is when you're talking
13 about families that are on fixed incomes that are
14 below the poverty line, price elasticity, and
15 that's really what we're talking about here for
16 low-income or fixed-income individuals, it matters.

17 Q. So your argument is not necessarily
18 that the extra 50 cents is going to discourage
19 efficiency. It may or may not. But it's also we
20 need to take a look at the larger economic concerns
21 of the ratepayers?

22 A. Absent a low-income rate class,
23 absent a life-line class, acknowledging the
24 inherent difficulties of trying to go ahead and
25 service low-income individuals, from an

1 implementation side, I think you need to
2 acknowledge these factors beforehand.

3 Q. Has OPC offered testimony regarding
4 the establishment of a low-income class?

5 A. Not in this case.

6 Q. Has OPC -- and this is -- I'll ask
7 this question carefully. You're not a lawyer, so
8 I'm going to ask you what you know. I'm not going
9 to ask you to offer a legal opinion. Do you know
10 whether OPC has an opinion about the legality of
11 establishing a low-income class?

12 A. I can't speak to that, sir.

13 CHAIRMAN KENNEY: All right. Thanks
14 for your time.

15 JUDGE WOODRUFF: Commissioner Kenney?

16 COMMISSIONER KENNEY: No questions.

17 JUDGE WOODRUFF: Commissioner Hall?

18 COMMISSIONER HALL: No questions.

19 Thank you.

20 JUDGE WOODRUFF: Commissioner Rupp?

21 COMMISSIONER RUPP: No questions,

22 your Honor.

23 JUDGE WOODRUFF: Anyone wish to
24 recross based on those questions from the Bench?
25 Any redirect?

1 MR. ALLISON: Just briefly.

2 REDIRECT EXAMINATION BY MR. ALLISON:

3 Q. Dr. Marke, I think you used the
4 phrase fixed charge throughout your testimony.
5 We've been discussing a customer charge.

6 A. Customer charge.

7 Q. I just want to clarify. That's what
8 you mean by customer charge, right?

9 A. (Witness nodded.)

10 Q. Fair enough. So when you said fixed
11 charge, you were exchanging customer charge for
12 fixed charge, right?

13 A. Yes. My apologies on that.

14 Q. No. It's fair. I just wanted to
15 make clear. I think the distinction between fixed
16 costs and what goes in the customer charges is an
17 important distinction for the record.

18 MR. ALLISON: Thank you. That's all.

19 JUDGE WOODRUFF: And, Mr. Marke, you
20 can step down.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 JUDGE WOODRUFF: And that concludes
24 the class cost of service issue. The next item
25 issue on the list is depreciation, and it's my

1 understanding there's settlement of that issue so
2 we do not need to take it up today. So we'll move
3 then into the economic development rate design
4 mechanisms. And we will start with mini openings
5 on that, beginning with Ameren.

6 MR. MITTEN: If it please the
7 Commission?

8 Since 2007 Ameren Missouri has had in
9 place an economic redevelopment rider which applies
10 to certain parts of the City of St. Louis to
11 encourage the utilization of existing distribution
12 facilities with capacity in excess of the current
13 load in those areas.

14 The details of Ameren Missouri's
15 current economic development rider are described in
16 the supplemental direct testimony of Ameren
17 Missouri's witness William Davis, and I won't
18 repeat them here today, but Mr. Davis will be an
19 witness on this issue and I invite the Commission
20 to ask any questions that it has about that rider.

21 The company believes that the current
22 EDR has served its purpose and urges the Commission
23 to make no changes in that rider in this case. But
24 because the Commission has expressed interest in
25 economic development rate design mechanisms and

1 because a number of parties in this case,
2 particularly Staff and the Office of Public
3 Counsel, present a number of ideas that warrant
4 further study, Ameren Missouri joins Staff's
5 recommendation to establish a collaborative to
6 further study those issues.

7 The collaborative should be open to
8 all interested parties and should not be limited
9 only to investor-owned electric utilities, because
10 if economic development rate design mechanisms have
11 merit for electric utilities, they well could have
12 merit for other utilities as well.

13 At a minimum, the collaborative
14 should be tasked with considering each of the
15 questions regarding economic development rate
16 design mechanisms that the Commission posed to
17 parties in this case at the beginning of the
18 proceeding, but the scope of the collaborative's
19 inquiry can be as broad as the Commission sees fit
20 to make it.

21 Once the collaborative has completed
22 its work, the Commission will be in a better
23 position to decide how best to address this
24 subject, either on a case-by-case basis or through
25 a more general rulemaking proceeding.

1 The testimony filed in this case in
2 response to the Commission's requests regarding
3 economic development rate design mechanisms is a
4 good start, but we believe it's only a start,
5 because while the parties have brought forth some
6 interesting ideas, those ideas need to be studied
7 and refined before they can be implemented. And
8 the collaborative process recommended by Staff, a
9 recommendation which we join in, is the best way to
10 accomplish those objectives.

11 Thank you.

12 JUDGE WOODRUFF: Any questions?

13 COMMISSIONER HALL: You suggest that
14 we take a collaborative approach to developing a
15 new economic development rider or a modified one,
16 and you suggest that we expand it beyond
17 investor-owned utilities. I'm trying to understand
18 why you're making that suggestion.

19 MR. MITTEN: If economic development
20 has merit, certainly gas utilities might be able
21 to --

22 COMMISSIONER HALL: Oh, okay. You're
23 saying beyond electric. I'm sorry. I
24 misunderstood.

25 MR. MITTEN: Sorry for not being

1 clear on that.

2 COMMISSIONER HALL: No. You probably
3 were. I misunderstood.

4 All right. Concerning the
5 collaborative process, would -- do you think that
6 it would be possible if we were to take Staff's
7 suggestion that Ameren is joining in today, if we
8 were to take that suggestion, open a working docket
9 and try to develop some modifications to the rider,
10 do you see -- do you believe it is possible that we
11 could conclude that in six months, eight months,
12 ten months? Do you have any idea as to a
13 timeframe?

14 MR. MITTEN: I think that depends
15 upon how much time and effort the parties to the
16 collaborative are willing to devote to it. I think
17 a year certainly is a reasonable time period.
18 Whether it can be completed in less than a year,
19 I'm not sure.

20 COMMISSIONER HALL: Do you think it
21 would be possible to complete it and develop a new
22 tariff that could be applied to Ameren before the
23 next rate case?

24 MR. MITTEN: That depends on the
25 interval between the Report and Order in this case

1 and the filing of the next rate case. If that
2 interval is a year and the collaborative process
3 can be completed within a year, yes, I think that's
4 possible.

5 COMMISSIONER HALL: So there's no
6 legal or policy reasons why we wouldn't be able to
7 develop a new tar-- a new rider and apply it for
8 the next rate case? It would be a timing issue
9 from your perspective?

10 MR. MITTEN: I think it's a timing
11 issue. Whether or not there are any legal
12 impediments, I don't know. The biggest problem I
13 think, biggest concern, let me say that -- and let
14 me preface what I'm saying by we're not rejecting
15 outright any of the ideas that have been presented
16 by any of the parties.

17 The scope of the -- of the ideas
18 presented by Dr. Marke on behalf of Public Counsel
19 is of some concern, and I think there may come --
20 be a point, and I'm not sure exactly where that
21 point is, where economic development rates become
22 unduly preferential rates depending on how broadly
23 they're offered. And there's also a question of
24 who's going to pay for the discounts that are
25 provided under these economic development rates.

1 So I think there's some serious
2 questions that are going to have to be looked at.
3 I think one of the concerns that Ameren Missouri
4 has is Dr. Marke's testimony, for example, seems to
5 be critical of the success of economic development
6 rates in Ameren Missouri's service territory, but
7 he doesn't seem to take into account that one of
8 the reasons why more customers may not be taking
9 advantage of those tariffs is Ameren Missouri's
10 rates are already very, very low.

11 We've had instances in the past where
12 companies have come to us and indicated that they
13 would like to get an economic development rate from
14 us because they're considering moving elsewhere,
15 and when we put pencil to paper, the tariff rates
16 that American was charging were already lower than
17 the rates that they could have gotten under an
18 economic development rate from another utility in
19 another area.

20 So I think there are a lot of
21 questions that have to be answered during the
22 collaborative process that are going to affect what
23 kind of proposal Ameren Missouri may be willing to
24 make and what kind of economic development rider
25 the Commission may be capable of approving.

1 COMMISSIONER HALL: You made a
2 statement a moment ago that we needed to be
3 concerned about any type of rider that was, I
4 believe you said overly preferential.

5 MR. MITTEN: If I said overly
6 preferential, I meant overly broad in terms of the
7 application.

8 COMMISSIONER HALL: Okay. As long as
9 any rider or rate design was tied to cost of
10 service, there would be no legal impediment to
11 that, correct?

12 MR. MITTEN: If it's tied to cost of
13 service, I think you're correct. The court
14 decisions in Missouri seem to say as long as the
15 rate is tied to cost of service, it doesn't cross
16 the line in terms of being unduly preferential.

17 COMMISSIONER HALL: At the same time,
18 you have a rate design proposal before us today in
19 terms of how to cover the increase that you are
20 seeking that is not tied to class -- to cost of
21 service?

22 MR. MITTEN: In terms of the across
23 the board equal percentage?

24 COMMISSIONER HALL: Correct. That to
25 me implies or expressly states that Ameren does

1 believe that there is some flexibility on rate
2 design to deviate from cost of service.

3 MR. MITTEN: I don't think I agree
4 with you that a uniform percentage across the board
5 increase is not tied to cost of service, because
6 the relationship between the rates that are
7 currently in effect for all the classes I think are
8 based on cost of service. There's some deviation
9 from class to class, but I don't think a uniform
10 percentage across the board increase distorts the
11 current relationship among the rate classes.

12 COMMISSIONER HALL: But it does, in
13 fact, ignore a different cost class to class. It
14 just does, doesn't it?

15 MR. MITTEN: It freezes in place the
16 relationship that we have right now. This
17 Commission has never said that rates should be
18 solely based on cost of service, and Ameren
19 Missouri doesn't believe that they should either.
20 There can be some deviations. We think the
21 deviations that exist today and that would be
22 continued if we apply rates uniformly based upon
23 whatever award you give in this case would not
24 distort that current relationship.

25 COMMISSIONER HALL: Ameren doesn't

1 have a philosophical opposition to making some type
2 of rider mandatory as long as it in some -- through
3 some mechanism it covered the costs of that? As
4 long as Ameren was not -- as long as Ameren's
5 shareholders were not having to eat the cost of a
6 mandatory rider, you don't have a philosophical
7 opposition to it, do you?

8 MR. MITTEN: Generally speaking, we
9 don't have a -- we're not philosophically
10 predisposed to oppose an economic development rider
11 as evidenced by the fact that we currently have
12 one.

13 COMMISSIONER HALL: One that is at
14 your discretion?

15 MR. MITTEN: And I was going to point
16 out that there are certain aspects of that rider
17 that we think are important and certainly should be
18 considered by the Commission if you decide to
19 expand economic development riders.

20 One of them is it's discretionary
21 with the utility. We have the ability to determine
22 whether or not we've got an underutilization
23 situation and whether or not it would be beneficial
24 to the company and to its customers to offer an
25 economic development rate to a particular business

1 in a particular area.

2 One of the other conditions that you
3 have to satisfy in order to qualify for an existing
4 EDR is you have to already be receiving some sort
5 of a governmental incentive outside the economic
6 development rider. So there's a demonstration that
7 from a statewide or maybe even broader Ameren
8 service area wide perspective, the governmental
9 agencies in that area have made a determination
10 that this is in the public interest.

11 So I think to say we're not -- I
12 could certainly say we're not disposed against
13 economic development riders, but I think there need
14 to be some reasonable conditions attached to those
15 riders, and we believe the rider we have right now
16 includes a lot of those conditions.

17 COMMISSIONER HALL: Okay. But my
18 question was, if Ameren was assured that it was not
19 going to have to eat the cost of a rider that was
20 mandatory, would you be philosophically opposed to
21 it?

22 MR. MITTEN: I think that's an
23 important consideration, but I don't think that's
24 the other consideration.

25 COMMISSIONER HALL: What are the

1 other considerations? Actually, let me strike
2 that.

3 The criteria that you mentioned, the
4 requirement of other governmental incentives and
5 the requirement that there be under capacity in the
6 area where the particular customer is locating,
7 aren't those both objective criteria? Why do you
8 need discretion to determine whether or not those
9 criteria are being met?

10 MR. MITTEN: Well, I think we have --
11 I guess they are objective criteria. I think we
12 probably apply them objectively. But again, I
13 think there needs to be some discretion in terms of
14 whether or not an economic development rider should
15 be offered to a particular business at a particular
16 point in time.

17 Getting back to your broader
18 question, if recovery of the costs of economic
19 development tariffs were the only consideration,
20 Ameren Missouri would not necessarily be opposed to
21 the proposal Noranda has made in this case or made
22 in the complaint case that was completed last year,
23 because most of the parties in that case agreed
24 that if Noranda was given a preferential rate, the
25 difference would have to be made up by Ameren

1 Missouri's other customers.

2 We're concerned about the burden that
3 special rates place upon our other customers. So
4 even if the company is made whole, that's not the
5 only consideration that we have.

6 COMMISSIONER HALL: Okay. Thank you.

7 JUDGE WOODRUFF: Commissioner Rupp?

8 COMMISSIONER RUPP: No questions.

9 JUDGE WOODRUFF: Commissioner Kenney?

10 COMMISSIONER W. KENNEY: No

11 questions. Thank you.

12 JUDGE WOODRUFF: Then opening for
13 Staff.

14 MR. BORGMEYER: Good morning, your
15 Honor. Good morning, Commissioners. I want to
16 introduce Jamie Myers. She's an intern in Staff
17 Counsel Office, and she's Rule 13 certified and
18 she'll be appearing for Staff today.

19 MS. MYERS: May it please the
20 Commission?

21 We are here to respond to the
22 Commission's order directing consideration of a
23 certain rate design question. Staff has analyzed
24 the issue of economic development rate design
25 mechanisms and has made the following observations:

1 Staff is not aware of any
2 jurisdiction in the United States that has utilized
3 a geographically-based economic relief program for
4 residential electric consumers.

5 Further, Staff believes that the
6 administrative burdens of instituting the
7 eligibility requirements of a residential program
8 may cost more than any financial benefit gained.

9 All of the Commission-regulated
10 electric utilities in Missouri currently have
11 economic development programs in their respective
12 tariffs for certain industrial and/or commercial
13 customers.

14 Since July 1st of 2007, Ameren
15 Missouri has been operating with two riders, the
16 economic development and retention rider and the
17 economic redevelopment rider. The purpose of these
18 riders is to provide incentives for new and
19 expanding industrial customers to locate within
20 Ameren Missouri's service territory and to
21 incentivize the redevelopment of areas within the
22 City of St. Louis.

23 Now, despite the incentives offered
24 by these riders, in the past seven and a half years
25 only one customer has elected to sign up for the

1 economic development and retention rider, and no
2 customers have chosen to participate in the
3 economic redevelopment rider.

4 After consideration of these factors,
5 Staff has the following two things to recommend:
6 First, Staff recommends that the Commission does
7 not approve additional eligibility requirements on
8 Ameren Missouri customers wanting to participate in
9 the economic development riders at this time as
10 participation has already been so low, any
11 additional requirements would only serve to
12 discourage new participation.

13 Further, Staff secondly recommends
14 that a collaborative process with all interested
15 stakeholders be formed to assess the structured
16 expansion of economic development rate mechanisms.

17 The issue of economic development
18 riders includes stakeholders who are not parties to
19 this case. Staff believes it is important to have
20 all stakeholders involved.

21 I'd also like to direct you to
22 Staff's Class Cost of Service Report which was
23 filed on December 19th of 2014. In there Dan Beck
24 and Mike Scheperle address each of the Commission's
25 questions that were presented. Mr. Scheperle and

1 Mr. Beck are both here to testify and answer any
2 further questions the Commission may have. Thank
3 you.

4 JUDGE WOODRUFF: Questions, Chairman
5 Kenney?

6 CHAIRMAN KENNEY: Just one really
7 quick. Thank you. Good to see you again.
8 Welcome.

9 MS. MYERS: Thank you.

10 CHAIRMAN KENNEY: Does Staff have, as
11 a general proposition, any concern about the effect
12 on low-income or fixed-income customers offering
13 any type of special rate for industrial and large
14 industrials?

15 MS. MYERS: Right. Well, as Staff
16 has noted, we would like to look at the
17 collaborative process to analyze that further. I
18 mean, there are other utilities who are using
19 these. No one has been using it for residential
20 customers as of now. Certainly burdens upon the
21 low income is something we always like to keep in
22 mind.

23 But again, Staff thinks that if we
24 bring all stakeholders to the table, get everyone's
25 input to the best structure, I think that's -- that

1 will help address some of those problems, to bring
2 those to the table.

3 CHAIRMAN KENNEY: Did Staff take a
4 look at any underlying causes for the lack of
5 utilization?

6 MS. MYERS: I'm not aware, but I
7 think that question would best be posed to
8 Mr. Beck.

9 CHAIRMAN KENNEY: Great. Thank you.

10 COMMISSIONER W. KENNEY: No
11 questions.

12 COMMISSIONER HALL: No questions.

13 JUDGE WOODRUFF: Commissioner Rupp?

14 COMMISSIONER RUPP: Welcome. Good
15 morning. Has -- I know that the redevelopment
16 rider has not been used. Has there been any
17 projections that Staff or anyone has done on if the
18 North Side Redevelopment Project ever truly comes
19 to fruition that's under way in St. Louis, is there
20 estimates that this rider would start to begin to
21 be used more?

22 MS. MYERS: You know, I'm not aware
23 of that, and I don't believe it's in our Class Cost
24 of Service Report. Again, I think Mr. Beck would
25 probably be a good person to ask on that. I'm

1 sure, if that was considered, he could better
2 explain.

3 COMMISSIONER RUPP: Thank you.

4 JUDGE WOODRUFF: Thank you. Public
5 Counsel.

6 MR. ALLISON: May it please the
7 Commission?

8 We heard Mr. Mitten say that Ameren's
9 current EDR has served its purpose. I found that
10 fairly incredulous considering only one customer
11 has ever been authorized to use it, and that
12 customer isn't taking service under it. So I don't
13 think Ameren's current EDR is sufficient. I
14 suspect that the Commission's questions go to that
15 point.

16 Office of Public Counsel thinks that
17 we need to get on with the getting on on this
18 issue. The Commission entered its order asking us
19 to address these questions in November. We're
20 sitting here in February, and now we're talking
21 about a year-long collaborative process that will
22 further delay, I think, a resolution of the matter.

23 I think we've -- we've got existing
24 tariffs in the state of Missouri, particularly
25 KCP&L's tariff, which is, I think -- it was a

1 hard-fought tariff. There was a lot of
2 consternation in that process, but it was a tariff
3 that was entered into. That can serve as a model
4 for this.

5 And I know with particularity that in
6 KCPL's tariff they talk about a beneficial
7 location, and they talk about an area in which the
8 company has identified an underutilized circuit.
9 That's a geographic location, beneficial location.
10 So there is, in fact, a geographic basis in the
11 United States for -- for providing an economic
12 development incentive that relate to the
13 underutilization of infrastructure.

14 Is KCP&L's tariff sufficient from our
15 perspective? Probably not. Largely because I
16 think we need to consider, you know, how you would
17 apply that in Ameren's service territory. And
18 Dr. Marke put forward, I think, some criteria that
19 we think could help define the proper application
20 so that this incentive, if it were entered into by
21 the Commission, would be -- would be tailored to
22 those communities that actually need the incentive.

23 And I think as customers, OPC clearly
24 in our testimony argues that this should not be
25 discretionary for the company, that the customers

1 if they're eligible and they meet the eligibility
2 criteria that are articulated in the tariff, then
3 they should be able to get the tariff. They should
4 be able to get that tariffed rate period.

5 Otherwise, what are the eligibility criteria for if
6 the company can then just decide in its sole
7 discretion not to apply it?

8 To Commissioner Hall's, I think,
9 question with respect to, you know, where the
10 burden of that cost shift goes, you know, as long
11 as the other customers are willing to keep the
12 shareholders of the company whole, then I don't
13 understand why the company would have any objection
14 to that.

15 But I also don't understand the
16 company's objection to the Noranda issue generally
17 because they're -- they aren't impacted by that
18 cost shift either. That's for next week.

19 So those are just some initial
20 thoughts with respect to that. I do want to also
21 clarify, I think, that, yes, having the -- whatever
22 the incentive rate is, whether it's 15 percent, you
23 know, at 500 kilowatt hours or more as Ameren's
24 current tariff is or whether it's a sliding scale
25 from 30 and below at 200 kilowatt hours as KCPL's

1 tariff is, I think that whatever that is, yeah,
2 cost of service is an important consideration. But
3 as you've heard last summer, as you hear now and as
4 you're going to hear next week, I think you can
5 deviate from cost of service where the record
6 supports it and where you believe, based upon the
7 all relevant factors, that is the appropriate
8 course of action.

9 As long as your decision isn't
10 arbitrary and capricious, it's based on the record
11 in front of you, the law doesn't require slavish
12 adherence to cost of service. And Ameren knows
13 that, and that's one of the reasons I think Ameren
14 has presented its rate design testimony in this
15 case the way it has.

16 So from that perspective, I just
17 wanted to offer those thoughts, and I'll take any
18 questions.

19 JUDGE WOODRUFF: Questions?

20 CHAIRMAN KENNEY: No, thank you.

21 COMMISSIONER HALL: Just one.

22 MR. ALLISON: Yes, sir.

23 COMMISSIONER HALL: Again, thank you
24 and your office's -- thank you for your -- for the
25 information that you provided on this topic, how

1 seriously you took our questions and your open mind
2 as we go forward.

3 If we were to open a working docket
4 and establish a collaborative process to come up
5 with either a policy generally or some type of
6 tariff specifically for Ameren, do you believe that
7 it would be appropriate to try to put that in place
8 before the next rate case?

9 MR. ALLISON: I think you can put
10 that in place in this rate case. I don't know why
11 that process is required. We have -- I think your
12 questions submitted in November were intended to
13 develop a record in this case so that you preserve
14 the option of putting that in place in this case if
15 you so desired.

16 If the Commission desires to allow a
17 collaborative process to move forward, I don't see
18 any time-based reason why, based upon my
19 understanding of what I think the timing of the
20 next rate case would be, I don't see how that --
21 how there would be any necessary impediment to
22 getting that done by the next rate case.

23 But like I said, as I started my
24 answer to your question, I think you can do it now
25 if you thought the record supported it and if you

1 thought all relevant factors were moving in that
2 direction.

3 COMMISSIONER HALL: Thank you.

4 JUDGE WOODRUFF: Thank you. For
5 MIEC.

6 MR. DOWNEY: Thank you. Good
7 morning. May it please the Commission?

8 I don't have much to say on this
9 issue, but what little I do have to say I put in
10 some slides. Unfortunately, I thought, we thought
11 when we prepared our position statement we didn't
12 have a dog in this fight. We learned I think last
13 night that we do have testimony on Issue 21B, and
14 that's the -- whether the EDRR rider should be --
15 well, participation in the program and payment of
16 the program costs should be a condition for
17 participation in the -- in the -- excuse me. Let
18 me state it differently. Whether participation in
19 the MEEIA program should be a condition for the
20 EDRR rider or the ERR rider.

21 And we've got testimony that
22 Mr. Brubaker has provided on this issue. It's his
23 rebuttal testimony. It starts on page 25 and it
24 goes through page 28. There's two issues he raises
25 with respect to conditioning the rider on

1 participation in MEEIA. One is economic and the
2 other is legal.

3 On the economic side, Mr. Brubaker
4 posits that the purpose of the rider is to provide
5 a financial incentive to either locate in the
6 utility's jurisdiction or to stay there. And so
7 adding a cost to that participation is a
8 disincentive.

9 And the other point he makes is that
10 requiring -- well, I should say passing on the
11 MEEIA costs conflicts with the statute. And the
12 point of having the slides copies for you is I set
13 forth part of the statute, the part I think
14 applies. Obviously I haven't set it all out. I
15 set out what I could on one slide, and I've
16 underlined the critical language.

17 But it's if you do participate in the
18 opt-out, the statute says that none of the costs of
19 demand side measures shall be assigned to you. So
20 if we make this a condition of the rider, we are,
21 in fact, assigning costs to companies that have
22 opted out.

23 JUDGE WOODRUFF: Questions?

24 CHAIRMAN KENNEY: No, thanks.

25 JUDGE WOODRUFF: Thank you. For

1 Sierra Club.

2 MR. ROBERTSON: We've taken no
3 position on this issue and have no opening, your
4 Honor.

5 JUDGE WOODRUFF: Consumers Council.

6 MR. COFFMAN: No opening, your Honor.

7 JUDGE WOODRUFF: MECG.

8 MR. WOODSMALL: Nothing, your Honor.

9 JUDGE WOODRUFF: Division of Energy.

10 MR. KNEE: Thank you. May it please
11 the Commission?

12 First, I just wanted to express
13 agreement with Public Counsel that there is some
14 value in concrete action in this case. Discussion
15 is valuable, and I think discussion going into the
16 future is actually essential, but that doesn't
17 preclude concrete action in this case, and there's
18 value to doing that. If nothing else, it provides
19 guidance for any discussions that would occur in a
20 workshop collaborative sort of process.

21 So let me address just briefly MIEC's
22 concern about the MEEIA surcharge. The Division of
23 Energy's proposal does nothing to prohibit any
24 customer who's eligible to opt out from opting out.
25 That customer can opt out, according to the law, if

1 they meet the established criteria provided in law.

2 The Division of Energy's proposal
3 just says that if they opt out, they can't then
4 also get that special economic development rate
5 treatment.

6 So in terms of concrete proposals, as
7 far as I'm aware, Division of Energy has the only
8 really truly concrete proposal with regard to
9 economic development riders. So the Division of
10 Energy proposes modifying the company's EDRs to
11 include participation in MEEIA as a prerequisite to
12 taking service under the special economic
13 development rate.

14 Specifically, customers would meet
15 with an Ameren representative, and if there are any
16 applicable Ameren sponsored energy efficiency
17 measures with a 100 percent payback in five years
18 or less, then only then the customer would have to
19 implement such measures in order to enroll in the
20 economic development rider.

21 Linking MEEIA and the EDRs would
22 first help reduce tension between EDRs, which are
23 designed to stimulate load growth, and our state
24 policy that encourages efforts to reduce
25 consumption. This policy I think suggests that

1 public utility driven economic development should
2 be smart and it should be efficient.

3 Secondly, linking MEEIA and economic
4 development riders would incentivize the company to
5 promote its own EDRs and to boost participation
6 which we've seen has been a problem. The MEEIA
7 incentives would include recovery of program costs,
8 lost sales and performance incentives. That's
9 nothing new. That's MEEIA.

10 Thirdly, the MEEIA link would deliver
11 benefits to all customers. In fact, any financial
12 recovery by the company for its MEEIA programs by
13 law is contingent on a showing that such programs,
14 even if utilized by only a few, are beneficial to
15 all customers in the class where the programs are
16 proposed.

17 Now, to be sure, the existing
18 economic development riders are not perfect.
19 There's an existing participation problem and has
20 been for years, as you heard. Zero customers
21 currently use the economic development riders.
22 That problem deserves more discussion in the
23 context of a collaborative workshop.

24 All economic development issues
25 raised in this case, including how to boost

1 participation, should be on the table in a workshop
2 evaluating economic development mechanisms.

3 But we shouldn't confuse energy
4 efficiency for the real cause or causes of the
5 participation problem which exists currently.
6 There's no evidence here suggesting that the
7 limited linkage to MEEIA will suppress
8 participation in the economic development rider,
9 which currently is zero.

10 Linking EDR to energy efficiency is
11 one modest but concrete step to jump start the
12 broader discussion on economic development.

13 That's all I have.

14 JUDGE WOODRUFF: Questions?

15 CHAIRMAN KENNEY: Mr. Knee, thank
16 you. I just want to be clear. The Division of
17 Energy's proposal to link MEEIA participation to
18 the economic development rider is because there's a
19 recognition of a tension between EDR's goal of
20 promoting increased usage and MEEIA's goal in
21 promoting energy efficiency, is that --

22 MR. KNEE: That's one of them. Yes,
23 that's one reason.

24 CHAIRMAN KENNEY: And you have no
25 concern that linking the two would decrease or

1 disincentive participation in the EDRs because
2 nobody's doing it now anyway, so you're not going
3 to do any worse?

4 MR. KNEE: You're certainly not going
5 to do any worse, and I would say that it's not
6 going to be a barrier to improvement from the
7 current status of zero.

8 CHAIRMAN KENNEY: Okay. Thanks.

9 COMMISSIONER W. KENNEY: No
10 questions.

11 COMMISSIONER HALL: Good morning.

12 MR. KNEE: Good morning.

13 COMMISSIONER HALL: You mentioned in
14 your opening and in response to questions from the
15 Chairman that your proposal is designed to address
16 a perceived tension between a goal of economic
17 development riders and MEEIA, and I understand
18 you're suggesting that one of the goals of the EDR
19 is to increase usage, and I don't understand that.
20 If you can explain that to me.

21 MR. KNEE: Well, I think the concept
22 of the EDR, and this is probably better explained
23 by some of the witnesses, is to stimulate business,
24 right, to bring in businesses into particular areas
25 or with particular characteristics. That is my

1 understanding of how -- the end game of this
2 economic development rider.

3 COMMISSIONER HALL: But it's not to
4 increase the specific usage of any one customer,
5 correct?

6 MR. KNEE: No. On a system-wide
7 basis, I think.

8 COMMISSIONER HALL: And if the goal
9 of a modified rider was not to -- not to increase
10 usage but rather to incentivize usage in certain
11 geographic areas, then you would not perceive a
12 tension between the two, between an EDR and MEEIA?

13 MR. KNEE: Well, assuming there's no
14 disconnect between the goal and the actual effect,
15 I have a hard time believing that it would not
16 stimulate greater load. Any time you provide
17 something at a reduced cost, you kind of expect it.

18 COMMISSIONER HALL: But if the result
19 was that a particular consumer chose a geographic
20 region or chose the site based upon that, you're
21 decreasing one, increasing another usage?

22 MR. KNEE: If it's all a net zero
23 essentially, no load growth whatsoever, yes,
24 certainly the tension would be much less
25 pronounced.

1 COMMISSIONER HALL: It would be zero,
2 would it not?

3 MR. KNEE: In that hypothetical
4 scenario, you're right. My concern would just be
5 the -- whether that hypothetical is real or not.

6 COMMISSIONER HALL: I got you. Thank
7 you.

8 JUDGE WOODRUFF: Thank you, sir. And
9 then for United for Missouri?

10 MR. LINTON: I have no opening, your
11 Honor.

12 JUDGE WOODRUFF: Then we're ready for
13 the first witness on this issue, which would be
14 Mr. Davis. And, Mr. Davis, you testified
15 previously. You're still under oath as well.

16 THE WITNESS: Thank you.

17 JUDGE WOODRUFF: You may inquire.

18 MR. MITTEN: Your Honor, Mr. Davis
19 has already been sworn and his testimony's been
20 offered. I have no further questions. I offer him
21 for cross-examination at this time.

22 JUDGE WOODRUFF: Okay. And for
23 cross, we'll begin with United for Missouri.

24 MR. LINTON: I have no questions.

25 JUDGE WOODRUFF: MECG? Division of

1 Energy?

2 MR. KNEE: Just briefly.

3 WILLIAM DAVIS testified as follows:

4 CROSS-EXAMINATION BY MR. KNEE:

5 Q. Mr. Davis, in your rebuttal, page 36,
6 starting at line 11, you say that the company's not
7 opposed to the concept of preconditioning the
8 economic development rider on participation in
9 MEEIA; is that right?

10 A. Yeah. And then right after that I
11 point out a couple of concerns I had just right off
12 the bat in terms of how the terms of the economic
13 development rider can be longer than what the
14 actual programs are approved for. So there may be
15 some mismatch between what program funds are
16 available and the link of the term that the
17 customer can sign up for the economic development
18 rider.

19 Q. And are those concerns being
20 addressed in a separate docket, to your knowledge?

21 A. The concerns about the mismatch
22 between the length of the MEEIA program approval
23 and the link -- the potential link of the economic
24 development rider?

25 Q. The mismatch between, right, a

1 **project timeline and a MEEIA cycle timeline.**

2 A. Not that I'm aware of.

3 **Q. Okay. You're not aware of -- are you**
4 **aware of the docket EO-2015-0055?**

5 A. Is that -- that the company's current
6 MEEIA filing?

7 **Q. Yes.**

8 A. I'm aware of it. I guess my
9 confusion was, that particular docket isn't getting
10 at the mismatch between the fact that that program
11 period is only three years and the contract term
12 for an economic development rider could be longer
13 than that.

14 MR. KNEE: Okay. I don't have any
15 other questions.

16 JUDGE WOODRUFF: Sierra Club?

17 MR. ROBERTSON: No questions.

18 JUDGE WOODRUFF: Consumers Council?

19 MR. COFFMAN: No questions.

20 JUDGE WOODRUFF: Public Counsel?

21 MR. ALLISON: No questions.

22 JUDGE WOODRUFF: MIEC?

23 MR. DOWNEY: No questions.

24 JUDGE WOODRUFF: Staff?

25 MS. MYERS: No questions.

1 JUDGE WOODRUFF: Questions from the
2 Bench?

3 COMMISSIONER W. KENNEY: I have no
4 questions.

5 JUDGE WOODRUFF: Commissioner Hall?

6 COMMISSIONER HALL: Yes.

7 QUESTIONS BY COMMISSIONER HALL:

8 Q. Good morning.

9 A. Good morning.

10 Q. In response to a data request from
11 Staff, Ameren provided a document that's
12 Schedule DIB-2-4, which I will note is marked
13 highly confidential, which is the question I'm
14 going to have to ask about that as well. But this
15 document is attached to Staff's Class Cost of
16 Service Report. Do you have that in front of you?

17 A. I do not.

18 Q. Thank you.

19 A. What was the schedule?

20 Q. DIB-2-4. Are you familiar with this?

21 A. Not too much. I recognize that as
22 some data that Ameren provided Staff, but I didn't
23 spend time looking at it, so no.

24 Q. Would you be able to help me
25 understand it? And just yes or no. If the answer

1 **is yes, we may need to go into in-camera.**

2 A. I mean, I could do my best. I think
3 this is -- my sense is this is Dan Beck's schedule,
4 maybe that --

5 **Q. So it wasn't --**

6 A. It was attached to a data request,
7 but I think Mr. Beck might have provided some
8 observations he made about the data. I'm not sure.
9 I can do my best to answer your questions.

10 **Q. Okay. So then let me ask counsel why**
11 **this is considered highly confidential.**

12 MR. MITTEN: Could I see the data
13 request response, Commissioner?

14 COMMISSIONER HALL: Absolutely.

15 THE WITNESS: Here's the data request
16 response right here, and this is the data that's
17 attached.

18 MR. MITTEN: Commissioner Hall, I
19 can't say anything more than the rationale that's
20 explained on the face of the data request. During
21 the next recess, I'll be happy to talk to someone
22 in the company and try and get some additional
23 information to see if we can remove the HC
24 designation.

25 MR. TOMC: Commissioner Hall, this is

1 Matt Tomc on behalf of the company. Looking at
2 this information, we will check and verify if it
3 needs to be HC. The one concern I would have is it
4 appears to show feeder data for electric usage.
5 This could reveal certain customer usage
6 characteristics, which could be proprietary
7 information for those customers. So if we may have
8 an opportunity to review the information and --

9 COMMISSIONER HALL: Individual
10 customers?

11 MR. TOMC: Yes. It's by operating
12 center. So it does depend on the geographic
13 location, especially with respect to commercial
14 customers. So that's why I just want to make sure
15 that what I'm looking at is, in fact, confidential
16 and we can verify that, and if it's not
17 confidential, we can remove that designation.

18 JUDGE WOODRUFF: If I might add,
19 we're close to time for a break, so we can take a
20 break at this point and you can give me an answer
21 when we come back.

22 MR. MITTEN: Thank you.

23 JUDGE WOODRUFF: Let's take a
24 15-minute break. We'll come back at 10:35.

25 (A BREAK WAS TAKEN.)

1 JUDGE WOODRUFF: Before we get back
2 to the witness, I'll ask Ameren if they were able
3 to determine whether that information needs to be
4 highly confidential.

5 MR. TOMC: Yes, your Honor. We
6 examined the information and determined that the
7 justification for seeking confidential treatment of
8 that information was related to the physical
9 security of load-serving distribution facilities,
10 and those facilities are identified by feeder.
11 They convey information as to load on those
12 systems. So the justification was the physical
13 security and not wanting to disclose that
14 information publicly.

15 COMMISSIONER HALL: Physical
16 security?

17 MR. TOMC: Yes.

18 COMMISSIONER HALL: Can you explain
19 that further?

20 MR. TOMC: Sure. In I think it was
21 April of 2013, it's well known in the industry
22 there was a substation, a PG&E substation attacked
23 in California. Following that period of time,
24 there's been considerable scrutiny and concern
25 related to the physical security of electrical

1 systems. NERC, the National Electric Reliability
2 Council, has also looked into that issue as well.

3 So it is out of those concerns that
4 we try to protect any information that can be used
5 by criminals.

6 COMMISSIONER HALL: So what you're
7 saying is, it's not the geographic location that
8 you're trying to keep confidential, it's the
9 amounts of the load service at a particular feeder
10 station that you're trying to keep confidential?

11 MR. TOMC: Yes, trying to keep from
12 becoming a --

13 COMMISSIONER HALL: I understand
14 that.

15 MR. TOMC: Thank you, Commissioner.

16 JUDGE WOODRUFF: I'm just going to
17 say, so questions about geographical location don't
18 have to be highly confidential, only if we get into
19 the numbers?

20 MR. TOMC: I would agree with that.
21 I think we just don't want to have publicly
22 information concerning where our important
23 load-serving facilities are located. That's what
24 would require in-camera discussion.

25 COMMISSIONER HALL: Well, I think

1 we're going to have to go in-camera. I don't have
2 a particular interest in any one of these, but in
3 order to understand what this information is, I'm
4 going to have to go -- I'm going to have to pick
5 one line item.

6 JUDGE WOODRUFF: We'll go in-camera.

7 THE WITNESS: Commissioner Hall, if I
8 may, I took a little bit closer look at the data,
9 and I want to be as helpful as I can, but I'm
10 concerned I'm not going to be able to answer your
11 questions about the detail on this. I figured I'd
12 throw that out there before we jumped in-camera.

13 COMMISSIONER HALL: Let's give it a
14 whirl. I assume that Staff will be able to help
15 explain this information if you can't.

16 JUDGE WOODRUFF: All right. We'll go
17 in-camera, and if there is anyone in the back of
18 the room that needs to leave, please do so.

19 (REPORTER'S NOTE: At this point, an
20 in-camera session was held, which is contained in
21 volume 25, pages 1637 through 1639 of the
22 transcript.)

23

24

25

1 JUDGE WOODRUFF: We're back in
2 general session, and if -- I'll ask Ameren, if we
3 start moving into an area where we're getting into
4 highly confidential details, speak up.

5 COMMISSIONER HALL: And I will take
6 no offense if you interrupt me.

7 MR. TOMC: Thank you, Commissioner.

8 BY COMMISSIONER HALL:

9 Q. All right. Substation number, what
10 does that mean?

11 A. I assume it's some internal
12 indication for Ameren Missouri, but I don't know.

13 Q. What is a substation?

14 A. It's a part of the distribution
15 system where it typically may change voltage levels
16 and, you know, kind of branches out into the
17 service territory to provide service to individual
18 customers.

19 Q. So it takes it down to the voltage
20 that could go into a house or a business?

21 A. Probably not necessarily a house.
22 Like, for example, you may come in off the
23 transmission system into what we call the bulk
24 substation. That lowers the voltage and then that
25 would, you know, cross greater distances. Then

1 when you get closer to houses, there would be
2 another substation that would lower the voltage
3 even further. But typically there would be a
4 transformer between the house and the substation.

5 **Q. So there's a bulk substation and what**
6 **is the other substation that you --**

7 A. I'd say just a regular substation.
8 Now, these may be bulk substations as well. I
9 don't know. I think this data is also only for --
10 if I look at the data request response, I think
11 this data is only -- well, I guess we have the full
12 operating center, so I guess the -- the data
13 request response is a little bit confusing in terms
14 of what data is. So never mind.

15 **Q. So the data request is for**
16 **distribution circuits providing service in**
17 **St. Louis County and the City of St. Louis?**

18 A. Right. So St. Louis City, St. Louis
19 County. So it's not a full service territory even.
20 That was the point I was getting at, is for
21 St. Louis County/St. Louis City area.

22 **Q. Okay. The next column is feeder**
23 **name. What does that mean?**

24 A. I couldn't tell you. It's just some
25 number, so it may be some sort of internal

1 identification code from the company's database.

2 **Q. What is a feeder?**

3 A. That probably would be -- my sense is
4 it's the actual, like, conduit -- or I'm sorry --
5 not conduit but wire or cable. So you had the
6 substation, which is the actual, you know, block
7 component where the wires connect and you have
8 wires coming out of that. That's my sense of what
9 a feeder is, is the actual wire.

10 **Q. And what is temperature-adjusted**
11 **load?**

12 A. Well, I'm turning to
13 Schedule DIB-2-27, which is kind of at the end of
14 that packet. There's some definitions there. I
15 can read you the definition if you prefer, but that
16 would be the only information I have to go on on
17 what that is.

18 **Q. And you wouldn't be able to tell me**
19 **what the significance of that data is? If you**
20 **don't know, you don't know. That's fine.**

21 A. I could probably guess, but I don't
22 know.

23 **Q. Do you know what normal feeder rating**
24 **is?**

25 A. Not any more than what's on the

1 definition of terms on Schedule 2-27.

2 Q. Do you know what the target loading
3 is?

4 A. No, again, not any more than what's
5 on the definition list.

6 Q. Do you know what percent target
7 loading available is?

8 A. No, again, not any more than what's
9 on the definition list.

10 Q. Do you know the significance of being
11 at 100 percent on that column?

12 A. No. And there may be some extra
13 information outside of what's just on this piece of
14 paper that would be relevant to that discussion as
15 well.

16 MR. TOMC: Commissioner Hall, I
17 apologize for interrupting. I was just told by my
18 co-counsel that we will have an individual here
19 tomorrow, Mr. Wakeman, that would be able to answer
20 these questions.

21 COMMISSIONER HALL: Okay. That's
22 helpful. Thank you.

23 BY COMMISSIONER HALL:

24 Q. All right. I'll move on.

25 A. Okay.

1 Q. Hopefully back into the domain of
2 your area of expertise. Your direct testimony,
3 page 2 --

4 A. Is that my supplemental direct or --

5 Q. Yes, your supplemental direct. Thank
6 you. Lines 5 and 6, in response to the question,
7 what is the purpose of the economic redevelopment
8 rider? You say at the end of that, to encourage
9 the utilization of existing distribution facilities
10 with capacity in excess of current load in those
11 areas.

12 A. Correct.

13 Q. Is there some benefit to Ameren to
14 the extent that there is load growth in areas where
15 there is underutilization of capacity?

16 A. I don't know that there's more
17 benefit from -- to Ameren for load growth in areas
18 of underutilized distribution facilities versus
19 some other type of load growth.

20 Q. Doesn't it stand to reason, though,
21 if you've got underutilization, you've got
22 distribution capacity sitting idle essentially, and
23 so if new load moves in there, you don't have to
24 build new distribution, whereas if there is new
25 load growth in areas where you are at capacity or

1 **near capacity, then you've got to build**
2 **distribution?**

3 A. I guess I would say it depends on the
4 amount of capacity that's available, and also, you
5 know, sometimes with this there may be relocation
6 costs or other costs associated with introducing
7 that load and --

8 **Q. You'd have those same relocation**
9 **costs elsewhere?**

10 A. Yes, potentially. And it depends on
11 which one is bigger.

12 **Q. So then that's the same in both**
13 **places. So we don't need to talk about it. I**
14 **mean, I'm saying you've got load growth in zip**
15 **code A where there is excess capacity, versus new**
16 **load in zip code B where there is not. Isn't there**
17 **a benefit to Ameren that that new load be in zip**
18 **code A?**

19 A. I guess maybe -- I think it would
20 result in potentially lower costs.

21 **Q. Reduced cost to Ameren to serve that**
22 **customer?**

23 A. Yes.

24 **Q. Okay. Is there any way to track**
25 **that, track those savings?**

1 A. That's an interesting question,
2 because it's all about what that customer would
3 have done, and that gets to -- that gets to -- that
4 gets deeper into the process of the discussions
5 that are being had before that, you know, the
6 application of that economic development rider
7 might be applied.

8 So, for example, if the -- if the
9 customer wasn't even going to come into the service
10 territory, then -- then it's maybe hard to
11 understand the comparison. But if they were going
12 to move somewhere else in the service territory,
13 you might be able to compare, here's what the cost
14 would have been to extend service over here.

15 **Q. Okay. That's fair enough. What if**
16 **we were to make the assumption that a new customer**
17 **in a zip code of underutilized infrastructure but**
18 **for this incentive, this -- this reduction in**
19 **their -- in their electricity bill, but for that**
20 **they would move into a zip code where there is --**
21 **where they are at access?**

22 A. It's theoretically possible, yes.

23 **Q. Okay. You were Ameren's witness on**
24 **customer service charge, correct?**

25 A. Yes, sir.

1 **Q.** Okay. And didn't you suggest that --
2 that if you took poles, wires, conductors and maybe
3 a fourth, I can't remember now, into consideration,
4 that the actual customer service charge would be 20
5 bucks per customer?

6 A. Yes. And to clarify that, it
7 isn't -- it's specifically the portion of those
8 components that isn't related to the usage or
9 demand. In fact, all of the parties who developed
10 cost of service models actually classified their
11 costs in the same way as Ameren Missouri.

12 **Q.** Okay. So it is \$20, and poles,
13 wires, conductors and substations, was that the
14 fourth?

15 A. There might have been a small
16 component of that in there. And again, for each
17 one of those buckets the relative component of
18 those that was attributable to non-usage-related
19 costs varied.

20 **Q.** Well, couldn't you make an argument
21 then that, at a bare minimum, there would be a cost
22 of service justification for having a reduced
23 customer service charge in certain zip codes?

24 A. I don't know. I hadn't really
25 thought about that.

1 **Q.** Well, doesn't it stand to reason? I
2 mean, if -- if you -- if your calculations or
3 calculations by those working with you resulted in
4 a \$20 per customer service charge and you're taking
5 this -- these aspects of distribution into account,
6 if you have a -- if you have new load in geographic
7 regions where there is excess capacity, isn't --
8 doesn't it stand to reason that that new load is
9 costing Ameren less and, therefore, you -- you
10 could determine that a customer service charge
11 should be reduced?

12 **A.** I don't think that it costs any less
13 to create those facilities, right, so --

14 **Q.** But they're already created?

15 **A.** They are already created and
16 customers pay for the average cost of providing
17 service, so it's the embedded cost, so that all the
18 charges we're talking about are based on the
19 average cost of providing service, not the
20 additional cost --

21 **Q.** Right.

22 **A.** -- of providing service, and really
23 as I think about the discounts for economic
24 development rider, it's really about --

25 **Q.** Okay. I've kind of moved beyond

1 that.

2 A. Okay. Maybe I guess I don't
3 understand the question.

4 Q. Well, my question is, I mean, I think
5 you've -- you've agreed with me that there is a
6 benefit to Ameren in terms of reduced costs to
7 serve customers when there is new load in -- in zip
8 codes where there's excess capacity, compared to
9 zip codes where there's not. And you also agreed,
10 I believe, that it's theoretically possible to
11 track that decreased cost if there were certain
12 assumptions made.

13 So now I've shifted a little bit
14 to -- to the customer service charge, where you've
15 advocated a -- well, where you have suggested that
16 an actual customer charge, if you were to take into
17 account poles, wires, conductors and substations,
18 would be \$20 per customer.

19 And so I'm asking, doesn't it make
20 sense that if the customer was -- if the new load
21 was in zip codes with excess capacity, that that
22 \$20 figure might be less?

23 A. I guess -- I guess the factor that
24 I'm missing, Commissioner, and I'm not trying to be
25 argumentative --

1 **Q. I know you're not. I know you're**
2 **not. You're doing okay. And I'm raising issues**
3 **with you that you didn't come up here knowing I was**
4 **going to ask you about. And I understand that, and**
5 **I appreciate your attempts to answer.**

6 A. The factor I feel like I'm missing
7 here is whether that change in the customer charge
8 that you're asking about is actually going to drive
9 customers to go there, right? Because if customers
10 were going to go to those areas anyway, there's
11 really no purpose in providing a discount, right?

12 So the point of kind of economic
13 development, the mindset of that is, we're willing
14 to discount service to get you to use those
15 underutilized facilities, but if you're willing to
16 go there anywhere, then since all rates are based
17 on the average embedded cost, that whatever those
18 rates are are designed to recover the cost of the
19 full system.

20 **Q. But, I mean, there's two issues here.**
21 **One is an incentive. The other is trying to**
22 **accurately reflect cost of service in customers'**
23 **bills.**

24 A. Uh-huh.

25 **Q. And they're not always the same**

1 thing. So, I mean, for example, there's been a lot
2 of discussion about increasing the customer service
3 charge to 8.50 from 8, and I think most people -- I
4 think, and this is this is my view, the
5 disagreement over that is more philosophical than
6 actual monetary in that I don't think anybody
7 really believes that 50 cents is going to
8 incentivize or disincentivize anything,
9 conservation or otherwise.

10 But what I -- what I'm talking about
11 here is whether or not -- whether we should try to
12 set rates that accurately reflect cost of service,
13 and if that is the goal, and it is a goal that
14 seems to be shared by everybody here to some
15 extent, then why not set up a customer service
16 charge that is at least somewhat based on cost of
17 service?

18 A. Again, Commissioner, I'm sorry. I
19 just think the way we're setting the rates, I feel
20 like what you're talking about is a shift -- is
21 also a shift in philosophy in terms of setting
22 rates based on, you know, kind of more granular
23 than the way we're setting rates today. And we are
24 talking about one particular component.

25 Q. True.

1 A. And if we wanted to go down that
2 road, I think it would be worthwhile to explore all
3 the different components as well, not just, you
4 know, the portion of the customer charge that may
5 be attributable to the local distribution system.

6 **Q. It's my understanding that there's**
7 **only been one customer taking -- well, one customer**
8 **that has taken advantage of the economic**
9 **development rider or redevelopment rider; is that**
10 **correct?**

11 A. Yes, since -- since that particular,
12 I'll call it, version, right? So Ameren had
13 economic development riders before that one. Since
14 the inception of that particular version, there's
15 only been one application, yes.

16 **Q. And is that under the economic**
17 **development rider or the economic redevelopment**
18 **rider?**

19 A. That's under the economic development
20 rider. So the broader one that's not associated
21 with downtown.

22 **Q. What do you -- how do you explain the**
23 **fact that only one customer has attempted to take**
24 **advantage of it?**

25 A. Well, let me also qualify the way one

1 person has -- one customer has been awarded, it
2 doesn't mean that no other customers have looked at
3 it. So one of the --

4 **Q. Do you have any evidence that any**
5 **other customers have looked at it?**

6 A. I know that other customers have. I
7 haven't provided that in testimony. But just
8 talking to some folks at the office, I know that
9 customers have inquired about it. You know, I
10 think Mr. Mitten mentioned up front that we've had
11 at least one instance that was brought to my
12 attention where a customer asked about it and, you
13 know, when we asked for the bona fide, you know,
14 comparative rate, that discounted rate was higher
15 than Ameren's existing rates without a discount.

16 So we're in a position where Ameren
17 Missouri has competitive advantage. When it comes
18 to the pricing of electricity, whether it's within
19 the state or in the nation, we have lower rates.
20 So there may -- my sense is that there's other
21 factors at play, you know, in terms of what other
22 economic development incentives are on the table
23 and, you know, other customer-centric reasons,
24 right? Whether it's labor issues, whether it's
25 location issues and things like that, my sense is

1 that those things are coming into play.

2 And quite frankly, that's one of the
3 reasons why I support the formation of the
4 collaborative, so we can draw in all the utilities
5 and talk about those other activities that are
6 going on outside of the economic -- the utilities
7 economic development rider so we understand how we
8 fit in the package of economic development criteria
9 that's out there today.

10 **Q. So I take it from that that Ameren is**
11 **not satisfied with -- with the results from these**
12 **two riders?**

13 A. I don't know one way or the other.
14 I --

15 **Q. You're not satisfied? You'd like to**
16 **see more participation?**

17 A. Well, not necessarily. I don't see
18 the lack of participation as a bad thing. You
19 know --

20 **Q. It means it's not doing anything.**

21 A. The level of the participation,
22 though, refers to how much -- how many discounts
23 Ameren's giving out. It doesn't provide us
24 conclusions about whether new customers are coming
25 into the service territory.

1 **Q. But it means it's not doing anything.**
2 **I mean, there are no customers taking service under**
3 **this rider, which means that it might as well not**
4 **exist in terms of how it -- how it is currently**
5 **working.**

6 A. I understand that perception. I was
7 just going to say that I don't know that that is
8 necessarily a bad thing because what that might
9 mean is that Ameren's rates are already
10 competitive. So the fact that we're not providing
11 discounts means that the customers that are coming
12 in are paying the full rates and customers may be
13 better off because of that.

14 **Q. Did you review Dr. Marke's testimony**
15 **on this issue?**

16 A. Yes, I did.

17 **Q. And Staff's testimony as well, I**
18 **believe that was contained in the class -- class of**
19 **service report?**

20 A. Yes.

21 **Q. Dr. Marke suggested that --**
22 **Dr. Marke -- I'm sorry -- suggested that we look**
23 **to, I believe it was zip codes or look at regions**
24 **of population loss as a surrogate for where there**
25 **is excess capacity. Did I --**

1 A. I saw that.

2 **Q. Did I summarize that correctly?**

3 A. From my recollection, it was
4 county-level data, and I think there may have been
5 some stuff referred to as distressed communities,
6 which was more granular than county-level data.

7 **Q. What is your opinion, if you have**
8 **one, on whether that -- whether that approach makes**
9 **sense?**

10 A. My concern is the mismatch between
11 granularity, especially of county-level data,
12 right. So Ameren doesn't necessarily serve all of
13 the customers within a given county. In fact, in
14 some counties we may serve very little. In some
15 counties we may serve half. In some counties we
16 may serve all of the customers.

17 So county-level data, when I think
18 about matching it up with what's going on at the
19 actual distribution system, that causes concerns
20 with me.

21 And also there may be pockets within
22 counties where there are growth and there are not
23 growth and -- and that's why I feel like if we
24 could match that up with some more granular
25 analysis, I think that would be productive. And

1 frankly, as I look at the potential for
2 collaborative, I think that would be a good start
3 in terms of investigation.

4 **Q. So your position is that it makes**
5 **more sense to base the incentive on where there is**
6 **excess capac-- excess capacity looking substation**
7 **to substation?**

8 A. Absolutely. If -- under the
9 assumption that the goal is specifically to
10 encourage efficient utilization of existing
11 infrastructure, I think that that has to be part of
12 it.

13 I guess my other concern is, if you
14 develop a tariff that's kind of broad like that,
15 and then it's going to be harder for customers to
16 understand right off the bat whether or not they
17 qualify. So the better we can focus in the tariff
18 to what specific areas qualify, I think it's going
19 to make it simpler for customers to understand as
20 well.

21 COMMISSIONER HALL: And this is a
22 request to counsel. Looking at Schedule DIB-2-4,
23 and if you can't answer this, that's fine as well.
24 But is it possible to get a map, some type of
25 geographic rendering of where these substations

1 are, in particular those that are above or below a
2 particular percent target loading available? Is
3 that -- is that possible?

4 MR. TOMC: Commissioner Hall, I don't
5 know sitting here right now if it's possible. I
6 suspect that it may be. As indicated earlier,
7 Mr. Wakeman will be here tomorrow. Mr. Wakeman is
8 vice president of Ameren Missouri distribution
9 operations, so if anyone would know, he would.
10 I'll take that question back to him and see if
11 there's any kind of graphic or map representative
12 of that information, and we can confirm that with
13 you.

14 COMMISSIONER HALL: And if possible,
15 actually, make an effort to produce it?

16 MR. TOMC: I understand. I will ask.

17 COMMISSIONER HALL: And I understand
18 that this is a request 24 hours before he's
19 testifying. So I understand the limitations.

20 MR. TOMC: We will do our best,
21 Commissioner.

22 COMMISSIONER HALL: Thank you.

23 BY COMMISSIONER HALL:

24 Q. What type of -- strike that.

25 One of the comments made by Staff is

1 that if we do modify the existing rider, we need to
2 make eligibility crystal clear because of -- if we
3 don't, then the cost associating -- associated with
4 auditing eligibility would be costly and
5 cumbersome. Do you agree with that?

6 A. I believe that statement was in
7 reference to opening up to residential customers.

8 Q. I believe that's true.

9 A. Right. I think that would be true.
10 I mean, it would be -- we have a million
11 residential customers, so -- and we really haven't
12 even talked about how changing this, you know, how
13 many customers this might open it up to. We
14 haven't really got into any of that information as
15 well.

16 Q. But if there is a map that shows
17 substation by substation those that are below a
18 percentage of capacity, would -- would you share --
19 would you have any concerns about opening it up to
20 residential from the perspective of determining
21 eligibility?

22 A. I think I just have a general concern
23 about opening up to residential customers.

24 Q. Put that aside for a second because
25 I'm going to ask you about that. In terms of --

1 **assuming that you don't have that concern.**

2 A. I don't know, Commissioner. I
3 haven't thought about that. I'm sorry.

4 **Q. Okay. So what are your overall**
5 **concerns with opening up this rider or modified**
6 **rider to residential customers?**

7 A. I think just kind of off the top, as
8 the case has gone through, No. 1, is the free
9 ridership aspect of it. You know, the intent is
10 really to provide a discount for those customers
11 that wouldn't be moving into those areas anyway.
12 At least that's my view in terms of the context of
13 how this discussion is happening.

14 And then the other aspect is making
15 sure that it's not customers moving from one part
16 of the service territory to another, right, because
17 then what would happen is if a customer is being
18 served under one part of the service territory and
19 they move, now you've created abandoned facilities
20 from where they were, so you haven't really
21 accomplished the goal. So my sense is it's really
22 about new load.

23 **Q. What if your goal is not necessarily**
24 **to incentivize load growth, but your goal is to**
25 **properly capture cost of service? That may have**

1 the effect of doing that, but if your goal is to
2 design a system that accurately captures cost of
3 service --

4 A. I think they've got --

5 Q. -- and you've got a customer who is
6 deciding between two zip codes for a development or
7 to move into an existing house, isn't there some
8 benefit to Ameren for that new customer to go into
9 a zip code where there is excess capacity versus
10 one where there is not and Ameren may need to build
11 some more poles, wires or substations?

12 A. I guess, Commissioner, the way I'm
13 thinking about this is, in my view, that is a
14 change in direction in terms of how we're thinking
15 about this.

16 Q. It absolutely is.

17 A. Right. And -- and because of that, I
18 think that the way all of this conversation started
19 in testimony is -- has been thinking about in the
20 context of economic development, and if we're -- if
21 we're thinking about, right, if that's something
22 the Commission's interested in, changing the
23 granularity of how we create charges for customers,
24 then I would still advocate that that's a good
25 proposition for a collaborative.

1 In fact, defining that up front as an
2 objective for the collaborative I think would be
3 really important. The effectiveness of a
4 collaborative discussion about this in my opinion
5 is really driven by the objectives of it. And if
6 we get a clear directive that that's what the
7 Commission's interested in, I think that would
8 improve the effectiveness of the collaborative.

9 **Q. There's been some discussion that one**
10 **of the reasons for the underutilization of these**
11 **riders is Ameren's failure to publicize their**
12 **existence. Are you familiar with that --**

13 A. Yes.

14 **Q. -- position?**

15 A. Yes.

16 **Q. And how do you respond?**

17 A. I don't have any evidence one way or
18 another whether or not customers or potential
19 customers going to our webpage drives that. What I
20 can tell you, Ameren has employees who are deeply
21 involved in local economic issues. We have
22 customer service, I guess we call them key account
23 representatives that work very closely with new and
24 existing large customers.

25 So my sense is that we have the ties

1 to understand and explain what our offerings are,
2 and I just don't know how much the visibility on
3 our webpage drives the level of visibility into our
4 options.

5 COMMISSIONER HALL: All right. I
6 have no further questions, but I do want to
7 reiterate my appreciation for your effort to answer
8 these questions.

9 THE WITNESS: Thank you.

10 JUDGE WOODRUFF: Commissioner Rupp?

11 COMMISSIONER RUPP: Thank you very
12 much.

13 QUESTIONS BY COMMISSIONER RUPP:

14 Q. Welcome, sir.

15 A. Thank you.

16 Q. Have you or anybody with Ameren had
17 any discussions regarding the North Side
18 Redevelopment Project in St. Louis and how these
19 riders could potentially impact or be utilized with
20 that as the program went forward?

21 A. I'm not personally familiar with it.
22 My sense is that when stuff like that goes on,
23 Ameren -- you know, there's people at Ameren that
24 know what's going on. It's also a question of --
25 and I don't know the details of that, how much of

1 it is residential and, you know, commercial-type
2 establishments. The economic developments we have
3 today are more focused on more like
4 manufacturing-type facilities.

5 **Q. Okay. Make the assumption that this**
6 **was expanded to include residential. Do you think**
7 **that -- do you think that some could use this rider**
8 **to counteract their perceived notion of urban**
9 **sprawl?**

10 A. I don't know, Commissioner. That
11 gets to -- in my mind, that gets to whether or not
12 there's free riders here and whether or not the
13 price of electricity is going to generate -- the
14 price of electricity alone is going to generate the
15 movement, right?

16 If the North Side Development's going
17 to happen anyway, do they need a discounted rate,
18 and -- and how much -- how much contribution to the
19 economic development would a discounted rate
20 provide? That's just the way I'm thinking about
21 it.

22 **Q. From a public policy standpoint, if a**
23 **rider such as this would be expanded for**
24 **residential use, do you think it could be perceived**
25 **as -- as trying to dictate where populations tend**

1 to relocate and locate in urban, suburban or rural
2 areas?

3 A. I don't think -- my sense is it
4 wouldn't be -- this is just my perception -- that
5 it wouldn't necessarily be an attempt to dictate
6 that, right? It would just -- getting to
7 Commissioner Hall's purpose earlier, if we decided
8 to move towards some rates that are more granular
9 in terms of reflecting costs in those areas, then
10 it would simply be a reflection of cost in those
11 areas, as opposed to some artificial attempt to get
12 people to move to those areas.

13 I think that there is a lot of other
14 decision factors, frankly, in my opinion, that
15 would be much more important than the price of
16 electricity in terms of schools, right,
17 infrastructure there, you know, safety. Those
18 factors in my view are probably more important than
19 the price of electricity.

20 And just to provide some anecdotal
21 evidence on that, think about the price of
22 electricity on the east and west coast, right? I
23 mean, those are where we have some extremely major
24 population centers that are experiencing growth
25 where the price of electricity is higher than it is

1 here.

2 COMMISSIONER RUPP: Thank you.

3 JUDGE WOODRUFF: Anyone wish to
4 recross based on questions from the Bench? Any
5 redirect?

6 MR. MITTEN: Just a bit.

7 REDIRECT EXAMINATION BY MR. MITTEN:

8 Q. Mr. Davis, Commissioner Hall talked
9 about savings that Ameren Missouri would realize if
10 customers could be enticed to locate in areas where
11 the company currently has excess capacity. Do you
12 recall those?

13 A. Yes.

14 Q. I'd like to explore that with you for
15 a few moments. Assuming a customer who is
16 currently located elsewhere in Ameren Missouri's
17 service area relocates into an area where your
18 capacity is currently underutilized, what savings
19 does the company realize as a result of that
20 relocation?

21 A. Really that gets to one of the points
22 I brought up earlier about -- about free ridership
23 and other issues that may come up in terms of,
24 especially in the instance we provide, right, if
25 you had a customer that was being served somewhere

1 else on our service territory and they moved to a
2 new place, there is really no net gain there
3 because they've just switched from one part of the
4 service territory to another. So you've abandoned
5 one place to a place that was previously abandoned.
6 So there's really no net gain in that situation.

7 **Q. And there could be a net loss in**
8 **revenue if the customer was paying full tariff in**
9 **its current location but was paying a reduced rate**
10 **in the new location?**

11 A. Yeah, potentially, and that gets
12 to -- that gets to the importance of kind of the
13 collaborative aspect of this, is I'm not saying
14 that these ideas are good or bad. I'm just saying
15 that they raise interesting questions that we
16 haven't had to deal with today. And if we could
17 explore those further, I think that would be
18 beneficial.

19 **Q. Let me give you another scenario.**
20 **You've got a customer who's currently outside**
21 **Ameren Missouri's service territory and decides to**
22 **relocate to an area within your service area where**
23 **facilities are currently underutilized. Would**
24 **there be any savings as a result of that**
25 **relocation?**

1 A. There's not really any direct
2 savings. It's the savings versus what would have
3 potentially otherwise happened if they moved
4 somewhere else. So rates aren't going to go down,
5 and typically because -- because the charges are
6 based off of kind of an average embedded cost, when
7 we add a new customer, I mean, the revenues
8 associated with that new customer are designed to
9 recover the cost of those facil-- those newer
10 facilities over time as well.

11 **Q. But again, I'm not talking about**
12 **relocating in the area that is underserved as**
13 **opposed to another location in your territory. I'm**
14 **just saying somebody from outside the service area**
15 **decides to relocate in an area that currently has**
16 **excess capacity. Are there any savings the company**
17 **would realize as a result of that relocation?**

18 A. Again, I don't think there's any
19 direct savings because the costs the company
20 already has, especially for distribution system,
21 there may be no incremental costs associated with
22 the distribution system to serve that customer, but
23 there's really no reduction in cost.

24 **Q. But under the scenario I just**
25 **outlined there would be additional revenue that the**

1 **company would not otherwise collect?**

2 A. That's correct.

3 **Q. Commissioner Hall also asked you**
4 **about the fact that the company currently only has**
5 **one customer taking service under the EDR; is that**
6 **correct?**

7 A. That's correct.

8 **Q. Have there been customers who have**
9 **applied for service under the EDR who have been**
10 **denied?**

11 A. I don't know of a-- my understanding
12 that other customers have asked about it and that
13 we've gone through some level of discussion on that
14 aspect. I don't know of any specific examples.

15 What I can tell the Commissioner, to
16 me, you know it didn't come out in this particular
17 case, but that's also another thing I think we can
18 explore, especially with more than just Ameren,
19 KCP&L. We can talk about what sorts of
20 applications the company has received and kind of
21 socialize the reasons why the economic incentive
22 may not have been awarded so we have a better
23 understanding of whether or not that's good or bad.

24 I mean, we're kind of talking about
25 it in terms of, oh, well, it's a problem that only

1 one person has received a discount, but I don't
2 think we have the information to know that it's a
3 problem. And understanding why customers may not
4 be qualifying would be an important consideration
5 to look at. And not just our service territory,
6 but other service territories as well, including
7 KCP&L and Empire.

8 **Q. Did you think that any of the**
9 **testimony that has been filed on this issue in this**
10 **case addresses the issue of potential revenue**
11 **losses that the company might suffer if the**
12 **economic development tariff or rate design**
13 **mechanism is expanded greatly?**

14 A. No. And I understand that's one
15 issue that, you know, from the company's
16 perspective hasn't been explored. But also as we
17 think about changing the objectives of and
18 granularity of rates, it's also important to
19 understand how many customers would be affected in
20 what areas and what impact that would have on
21 revenues.

22 I mean, we're at the point of setting
23 rates. So to the extent those factors would cause
24 changes in revenues, all of that would need to be
25 incorporated into the company's billing units and,

1 you know, kind of built up from the bottom up, and
2 none of that information's been included in this
3 case.

4 **Q. Are those the kind of issues that**
5 **could be dealt with in the collaborative you talked**
6 **about?**

7 A. Oh, absolutely. In fact, this
8 conversation has been really good in my mind,
9 because again, as you think about a collaborative
10 approach, right, to the extent there's a strong
11 objective and to the extent that the deliverables
12 are well defined, those things very much enhance
13 the effectiveness of the collaborative, so if you
14 can say, I need you to look at this stuff with this
15 objective in mind over this time period.

16 And, you know, one other aspect that
17 improves the effectiveness of a collaborative is,
18 you know, putting someone in charge, right? Who's
19 going to do what by when and how are you going to
20 follow up? Those are kind of the basic
21 effectiveness tools. And to the extent the
22 Commission can define those things, that's going to
23 greatly improve the effectiveness of the
24 collaborative.

25 MR. MITTEN: I don't have any further

1 questions.

2 JUDGE WOODRUFF: Mr. Davis, you can
3 step down.

4 (Witness excused.)

5 JUDGE WOODRUFF: The next witness is
6 Dr. Marke again. And you are still under oath.

7 MR. ALLISON: Tender Dr. Marke for
8 cross-examination.

9 JUDGE WOODRUFF: For
10 cross-examination, we begin with Consumers Council.

11 MR. COFFMAN: No questions, your
12 Honor.

13 JUDGE WOODRUFF: For Sierra Club?

14 MR. BECTOR: No questions, your
15 Honor.

16 JUDGE WOODRUFF: Staff?

17 GEOFF MARKE testified as follows:

18 CROSS-EXAMINATION BY MS. MYERS:

19 Q. Hi, Dr. Marke. I just have a few
20 questions for you. And so first I want to direct
21 your attention to rebuttal testimony, page 12.

22 A. One second.

23 Q. Sure.

24 A. Okay.

25 Q. So starting with line 9, you mention

1 that Public Counsel's still reviewing material to
2 determine potential benefits and costs of including
3 an energy efficiency component to an economic
4 development rider. Since this time, have you made
5 any conclusions, taken any position?

6 A. We have not.

7 Q. Okay. Also, I wanted to ask you a
8 few questions about how you are recommending that
9 underutilization be determined. It seems in your
10 testimony that you rely mostly on population,
11 movements in population; is that correct?

12 A. That's a component of it, yes.

13 Q. Okay. And so is Public Counsel
14 recommending that these riders include residential
15 customers?

16 A. We were not at the moment.

17 Q. But you're basing your
18 underutilization facts on residential population
19 movement; is that correct?

20 A. In part, yes.

21 MS. MYERS: Okay. That's the only
22 questions I had. Thank you.

23 JUDGE WOODRUFF: For MIEC?

24 MR. DOWNEY: No questions.

25 JUDGE WOODRUFF: Division of Energy?

1 MR. KNEE: No questions.

2 JUDGE WOODRUFF: United for Missouri?

3 MR. LINTON: I have no questions.

4 JUDGE WOODRUFF: MECG?

5 MR. WOODSMALL: No questions.

6 JUDGE WOODRUFF: Ameren?

7 MR. MITTEN: A few.

8 CROSS-EXAMINATION BY MR. MITTEN:

9 Q. Dr. Marke, were you in the room when
10 Mr. Allison made his opening statement on this
11 particular issue?

12 A. I was.

13 Q. He indicated that he thought it was
14 appropriate for the Commission to take some action
15 on economic development riders in this particular
16 rate case. Do you recall that?

17 A. I do recall that.

18 Q. What is Public Counsel's specific
19 position on what action the Commission should take
20 to expand economic development riders in this
21 particular case? Could you show me where that is
22 in your filed testimony in this case?

23 A. Mr. Mitten, my filed testimony was a
24 response to a series of questions that were given
25 to parties at the beginning before direct testimony

1 was filed.

2 Q. So do you have a specific position or
3 proposal that the Commission should adopt in this
4 rate case that is stated anywhere in the testimony
5 that you filed in this case?

6 A. In my direct testimony is a proposal,
7 an outline proposal of what we think would fit the
8 parameters of the questions that were asked.

9 Q. But do you have a specific proposal
10 that the Commission should adopt in its Report and
11 Order in this case?

12 A. I think one of the conditions of the
13 proposal --

14 Q. That seems like a yes or no question.
15 Do you have a specific proposal?

16 A. Can I -- a qualified yes?

17 Q. Depends on the qualification. Could
18 you -- can you point me in your testimony --

19 A. Sure.

20 Q. -- where you have a specific proposal
21 that you're asking the Commission to adopt in this
22 case?

23 A. Can I have one second?

24 Q. Certainly.

25 A. Again, Mr. Mitten, I think the gist

1 of our testimony was we had a series of parameters
2 that we felt fit with the questions that were
3 delivered. We had a structural economic
4 development rider that we saw that was utilized in
5 the other part of the state, and we had the
6 conditional -- and this is where I would say the
7 conditional yes comes in.

8 In terms of components that might be
9 viewed as adders, look at in terms of additional
10 conditions that any -- any entity that accepted
11 this rider would have to partake in. An example
12 might be retaining a certain number of jobs over a
13 specific period.

14 **Q. Well, again, might be, that doesn't**
15 **seem very definite to me.**

16 A. Okay. So --

17 **Q. Let me see if I can get specific.**
18 **Are you proposing that the Commission adopt or**
19 **require Ameren Missouri to adopt a tariff that's**
20 **very similar to the one that's currently in place**
21 **for KCP&L?**

22 A. I believe so.

23 **Q. You believe so?**

24 A. Well, I mean, again, the issue was we
25 had a series of questions that were given to --

1 **Q.** **Again, I'm simply asking you what**
2 **you're asking the Commission to do in this rate**
3 **case for Ameren Missouri. Are you proposing that**
4 **the Commission require Ameren Missouri to adopt an**
5 **economic development tariff similar to the one that**
6 **KCP&L currently has in place?**

7 A. Mr. Mitten, I guess I would respond
8 to that as I answered the series of questions, and
9 to the extent that we are proposing something, it
10 is beyond my pay grade.

11 **Q.** **Mr. Allison also indicated in his**
12 **opening statement that Ameren Missouri's customers**
13 **would be willing to keep the company shareholders**
14 **whole for discounts provided under an economic**
15 **development tariff. Do you recall him saying that?**

16 MR. ALLISON: I'm going to object to
17 that question. It mischaracterizes what I stated.

18 MR. MITTEN: I think that's what he
19 said, your Honor.

20 MR. ALLISON: It is not what I said.

21 JUDGE WOODRUFF: I'm going to
22 overrule the objection and the witness can answer
23 as best he can.

24 BY MR. MITTEN:

25 **Q.** **I'm very glad to hear that,**

1 **Dr. Marke, but what's the basis for that**
2 **conclusion?**

3 MR. ALLISON: Again, I'll object to
4 the extent that you've now recharacterized that as
5 a conclusion. I know it's already been overruled.
6 I'm just preserving the record.

7 MR. MITTEN: Let me rephrase.

8 JUDGE WOODRUFF: Please do, because
9 if your first question wasn't answered, I want to
10 be sure what question is being asked.

11 BY MR. MITTEN:

12 **Q. Do you recall Mr. Allison saying that**
13 **he believed Ameren Missouri's customers were**
14 **willing to keep the company shareholders whole for**
15 **any discount provided in economic development**
16 **tariffs?**

17 MR. ALLISON: And again, to the
18 extent that it's required, I'll lodge my objection
19 as mischaracterizing my statement.

20 THE WITNESS: I remember that.

21 BY MR. MITTEN:

22 **Q. Again, that's good to hear, but**
23 **what's the basis for that statement? Did you poll**
24 **your -- the parties that you represent in this case**
25 **and determine whether they'd be willing to make**

1 **shareholders whole?**

2 MR. ALLISON: And again, I'll object.
3 This whole line of questioning is predicated upon a
4 mischaracterization of a statement that I made.

5 JUDGE WOODRUFF: Go ahead and answer
6 as best you can.

7 MR. ALLISON: I can clarify what I
8 meant, if that's relevant. I don't want to
9 interject.

10 MR. MITTEN. If Mr. Allison wants to
11 take the stand, we talk about that.

12 JUDGE WOODRUFF: I understand that
13 you don't agree with the premise of the question.
14 I'm going to allow him to answer as best he can.

15 MR. ALLISON: Fair.

16 BY MR. MITTEN:

17 **Q. Did you poll the customers that you**
18 **represent in this case to determine if**
19 **Mr. Allison's statement was correct?**

20 A. I can't speak for Mr. Allison.

21 **Q. I personally attended five of the**
22 **public hearings, and I don't recall a single**
23 **customer at any of those public hearings testifying**
24 **that they would be willing to make Ameren Missouri**
25 **shareholders whole for any benefits that were**

1 provided through economic development tariffs.

2 MR. ALLISON: Is that a question?

3 BY MR. MITTEN:

4 Q. Did you attend any public hearings
5 where customers testified that they would be
6 willing to do that?

7 A. I did not attend any public hearings.

8 Q. Do you recall reading a transcript
9 where any customer indicated that he would be
10 willing to make Ameren Missouri's shareholders
11 whole for any discounts provided by expanded
12 economic development tariffs?

13 A. To the extent that -- well, stop
14 myself. Resources and time are such that I can
15 only do so much.

16 Q. So that's a no, you didn't read any
17 transcript where a customer said that?

18 A. I did not.

19 Q. Well, Dr. Marke, let's assume for
20 purpose of this question that the Commission does
21 adopt an expanded economic development rate design
22 for Ameren Missouri in this case. How would you
23 propose that the company be made whole for any
24 discounts it provides between the effective date of
25 rates set in this case and the effective date of

1 **rates set in the company's next general rate case?**

2 MR. ALLISON: I'm going to object
3 that this is outside the scope of his testimony.

4 JUDGE WOODRUFF: I'm going to
5 overrule the objection. Again, if the witness
6 can't answer, he can say I can't answer.

7 THE WITNESS: I can't answer.

8 MR. MITTEN: No further questions,
9 your Honor.

10 JUDGE WOODRUFF: Questions from the
11 Bench. Mr. Chairman?

12 CHAIRMAN KENNEY: No, thank you.

13 JUDGE WOODRUFF: Commissioner Kenney?

14 COMMISSIONER W. KENNEY: No, thank
15 you.

16 JUDGE WOODRUFF: Commissioner Hall?

17 QUESTIONS BY COMMISSIONER HALL:

18 **Q. Good morning, Dr. Marke.**

19 A. Good morning.

20 **Q. Continuing where -- the inquiry where**
21 **Mr. Mitten left off, would it be not be possible to**
22 **set up a tracker for those -- for those costs?**

23 A. Yes.

24 **Q. Okay. And as is typical, when**
25 **trackers are established, the next rate case is the**

1 opportunity for -- for the utility to be made whole
2 based upon any costs associated with that tracker;
3 is that correct?

4 A. Yes.

5 Q. Okay. So that would be a tracker for
6 the costs of any kind of rider. What about a
7 tracker for any types of savings? You were in the
8 hearing room during my discussion with Mr. Davis?

9 A. I was.

10 Q. And I believe that Mr. Davis
11 acknowledged that there is some amount of benefit
12 to Ameren when a -- when there is load growth in
13 zip codes where there is excess capacity compared
14 to load growth in zip codes where there is not
15 excess capacity.

16 A. Yes.

17 Q. Do you believe that it is possible to
18 track those savings?

19 A. Sure. It would -- it could be
20 possible. I mean, I guess the saying is, where
21 there's a will, there's a way.

22 Q. What do you believe that those
23 savings would be, what components?

24 A. Well, you could look at -- when we
25 start talking about savings, we can talk about

1 savings, we can look at savings in a lot of --
2 through a number of different lenses. We can look
3 at the savings that are accrued through the
4 creation of GDP, of jobs, of overall income.

5 **Q. I'm speaking specifically --**

6 A. To the company?

7 **Q. Yes. Savings to the company.**

8 A. All right. Cash flow moving into the
9 company by having a customer present as opposed to
10 losing that customer.

11 **Q. What about -- that would be how it**
12 **affected revenues. I'm more interested in how it**
13 **could affect costs.**

14 A. So I believe, as I understand the
15 question, Commissioner Hall, it's my understanding
16 that the utility is best served with more customers
17 being connected to their system and paying into the
18 system than less, and I think that the economic
19 development rider is designed to go ahead and
20 produce those results.

21 **Q. Well, I guess what I'm asking about**
22 **is, couldn't you -- would it be possible to track**
23 **cost savings on distribution if there was -- if**
24 **there were certain assumptions made, I guess, is**
25 **what I'm really trying to figure out is what those**

1 **assumptions would be. If certain assumptions were**
2 **made, would it be possible to track cost savings?**

3 A. Yes, I mean, what -- what you would
4 need to do is try to isolate as many variables as
5 you can to go ahead and account for those cost
6 savings that would be accrued. It would not be
7 necessarily an easy task, and I can't speak to how
8 one would design such a program, but theoretically
9 I think it would be possible.

10 **Q. In your direct testimony, you suggest**
11 **that -- that we focus on areas with population loss**
12 **as a, quote, useful empirical proxy for**
13 **infrastructure underutilization; is that correct?**

14 A. That's correct.

15 **Q. Let me ask you this: If, in fact, we**
16 **have specific data on those geographic regions**
17 **where there's underutilization, is there really a**
18 **need to find a proxy for it? Is there some benefit**
19 **to focusing on geogra-- on population loss or**
20 **distressed communities when we could look**
21 **specifically at substations where there's**
22 **underutilization?**

23 A. If that would be the intention of the
24 rider, I would agree with that.

25 **Q. You would agree that there would be**

1 no benefit to seeking a proxy when we have the
2 specific locations where there's underutilization?

3 A. Yes. If the design is to go ahead
4 and to merit that consideration, yes.

5 Q. On page 4 of your direct testimony,
6 you suggest that -- that any new rate design
7 mechanism should not be applied to residential and
8 lighting classes. Why?

9 A. I think the overall rationale that we
10 gave when we considered that was that it would be
11 extremely difficult to go ahead and -- the
12 administrative burden and trying to control for
13 that might be more complicated than it's worth.

14 I think, if I recall correctly, we
15 added sort of a disclaimer to that statement by
16 saying that we'd marry that consideration to
17 consideration for a low-income rate class or
18 something along those lines.

19 Q. But if there -- if there were clear
20 eligibility criteria set presumably based on a zip
21 code or based on a substation location, then your
22 concerns about applying to residential and lighting
23 classes would be at least mitigated?

24 A. If that was the intent, I think I
25 would agree with that.

1 Q. Now, this whole discussion has been
2 in the context of a rider. Would it be possible to
3 actually bake this principle into a rate design,
4 have subclasses for existing classes based upon
5 underutilization of infrastructure?

6 A. Sure. No. Yeah. That's possible.

7 Q. Now, you've testified that the KCP&L
8 GMO rider is more attractive, flexible and
9 successful than Ameren's rider; is that correct?

10 A. That's correct.

11 Q. What is it about that rider that is
12 more attractive, flexible and successful?

13 A. Commissioner Hall, I think this would
14 be speculation to a certain extent on my part. I
15 think in making that comment, our office, at least
16 my intention when I was writing that was success of
17 a rider is largely contingent on whether or not
18 anyone is participating in it.

19 KCP&L/GMO, from my talks to them, had
20 a rider that was in place for a relatively short
21 time and were immediately seeing participants jump
22 on. One -- through my cursory research of KCP&L
23 and just talking with them, it was alluded to
24 earlier but, you know, I went to the website and I
25 immediately went to -- I went to the search engine

1 and I typed in economic development rider.
2 Immediately it brought me up to the section with
3 KCP&L/GMO, and essentially gave me a walk through
4 as to, you know, if I was interested in moving my
5 services to Kansas City, greater Kansas City area,
6 here's something for you to consider and here's how
7 we can go ahead and enhance that process. Research
8 on the Ameren side didn't conclude the similar
9 results.

10 **Q. So the major difference is the**
11 **website design and the extent to which the rider on**
12 **the western side of the state is advertised**
13 **compared to Ameren's?**

14 A. Based off my cursory research.

15 **Q. You've also testified that -- that**
16 **you don't believe the -- the rider should be**
17 **discretionary, that it should be mandatory, that if**
18 **you meet certain eligibility requirements, you**
19 **automatically get it, as opposed to leaving it to**
20 **the discretion of the company; is that correct?**

21 A. That's correct.

22 **Q. Why do you -- why do you support that**
23 **position?**

24 A. I was a little troubled by the DR
25 responses that the company gave to Staff in regards

1 to the number of participants to date. In between
2 the two riders, there was one participant, and the
3 participant wasn't aware of whether or not they
4 were rewarded or awarded the contract.

5 **Q. So if -- if it is, in fact, true --**
6 **and I have no reason to doubt it. If it's, in**
7 **fact, true that the only customer who applied and**
8 **met the criteria was, in fact, awarded the rider,**
9 **would that change your prior answer?**

10 A. Given what I know about the current
11 state of -- well, for that specific rider, too.
12 Given what I know about the current state of the
13 St. Louis socioeconomic demographics and makeup,
14 no, it would not.

15 **Q. Let me go back to where we started.**
16 **And I'm almost done. How would you characterize**
17 **the incremental cost to Ameren of -- of a new**
18 **customer in a zip code where there is excess**
19 **capacity versus load growth in a zip code where**
20 **there is not excess capacity? What is that**
21 **incremental cost difference?**

22 A. So I can only speak in generalities
23 here.

24 **Q. Absolutely.**

25 A. Okay. I would say it would be

1 significant.

2 **Q. What are the components?**

3 A. The ability to utilize infrastructure
4 that is already in place.

5 **Q. And what is that infrastructure?**

6 A. Poles, towers, conduit, lines. To
7 the extent that you would need to train personnel
8 to go ahead and service that area as opposed to
9 relocating them to a separate area. I think there
10 are a number of factors you would need to consider.
11 They would be in the positive.

12 **Q. Do you think that it might make sense**
13 **to have a lower customer charge for customers that**
14 **locate in zip codes or areas with below excess**
15 **capacity?**

16 A. For a specific customer class?

17 **Q. For all customers. Well, I guess,**
18 **yeah.**

19 A. So for -- I think I would agree with
20 Mr. Davis in terms of his general response in terms
21 of the residential, that there are probably a
22 number of factors that families take into account
23 in locating into any given area, schools, jobs,
24 community, these sort of things. However, to the
25 extent that -- a lower customer charge, is that

1 correct?

2 **Q. Might be appropriate?**

3 A. Might be appropriate? I think it
4 might be appropriate. I stress that, too, that the
5 way that these riders are set up, they're not set
6 up, you know, that they're to go on, to last
7 forever. And the idea behind the riders is that
8 it's spurring economic growth, and it's very
9 temporary in nature.

10 **Q. Do you believe there's any policy**
11 **rationale for limiting -- for limiting a rider to**
12 **St. Louis area?**

13 A. For Ameren? Specific? It would
14 be -- it would be speculation on my part. I can't
15 speak for Ameren.

16 **Q. No. I mean, are there -- in terms --**
17 **to the extent that the final order in this case**
18 **from the Commission is our best understanding and**
19 **attempt to implement public policy, are there any**
20 **public policy reasons for limiting a rider to**
21 **St. Louis as opposed to making it applicable to**
22 **Ameren's entire service area?**

23 A. Oh, no. I mean, I absolutely think
24 it should be for the entire service territory we're
25 talking about, underutilized infrastructure.

1 JUDGE WOODRUFF: Commissioner, it's
2 11:45. We need to break for agenda, unless you're
3 almost done. Well, actually, we need to take a
4 break either way.

5 COMMISSIONER HALL: All right. Let's
6 break for agenda.

7 JUDGE WOODRUFF: We'll break for
8 agenda and take a lunch break. Come back at 1:30.

9 (A BREAK WAS TAKEN.)

10 JUDGE WOODRUFF: Let's come to order,
11 please. We're back from lunch. Before we get back
12 to questioning the witness, I have one question for
13 the parties.

14 There was a discussion off the record
15 before we broke for lunch indicating that the NBEC
16 issues that were set for Friday may, in fact, be
17 settled. I'm getting a lot of blank looks. Am I
18 misunderstanding that? I thought that's what
19 Ms. Tatro said.

20 MR. DOWNEY: Yeah. She said there's
21 a 95 percent chance that they'll be settled.

22 JUDGE WOODRUFF: I just noticed that
23 if that is settled, the only remaining issue then
24 on Friday would be the Labadie ESPs. I wanted to
25 inquire of the parties whether it be would possible

1 and advisable to possibly move that issue to
2 Thursday so we'd have the day off entirely on
3 Friday.

4 I don't expect an answer at this
5 point, but if you can discuss that amongst
6 yourselves and let me know.

7 CHAIRMAN KENNEY: That's a brilliant
8 idea, your Honor. That's a brilliant idea.

9 JUDGE WOODRUFF: The Chairman votes
10 in favor.

11 MR. MITTEN: With regard to the
12 Labadie ESPs, Mr. Iselin is listed as a witness on
13 that issue. The only two issues that he had on
14 that particular subject have been settled, and I
15 just wanted to make sure the parties had no problem
16 with Mr. Iselin not appearing to testify whenever
17 that issue is tried.

18 JUDGE WOODRUFF: Okay. And most
19 likely the people who would be affected by that are
20 not necessarily in the room, but work it out as
21 best you can.

22 MR. MITTEN: I will do so.

23 JUDGE WOODRUFF: Well, if you'll let
24 me know as soon as possible whether the ESPs can be
25 moved up.

1 Okay. And we're back on the record
2 with a witness on the stand, and Commissioner Hall
3 was asking questions.

4 COMMISSIONER HALL: I have no further
5 questions.

6 JUDGE WOODRUFF: Okay. Then we will
7 move to recross based on questions from the Bench.
8 Is there anyone wishing to recross? I note Ameren.
9 Go ahead.

10 RECROSS-EXAMINATION BY MR. MITTEN:

11 **Q. Dr. Marke, during your exchange with**
12 **Commissioner Hall, you talked about the possibility**
13 **of implementing a tracker to deal with any revenues**
14 **that Ameren Missouri might lose as a result of**
15 **implementing a more extensive economic development**
16 **rate design mechanism. Do you recall that?**

17 A. I do recall that.

18 **Q. If that was done in this case, what**
19 **number -- or how would you determine the baseline**
20 **to track losses above and below?**

21 A. I cannot speak to that right now,
22 Mr. Mitten.

23 **Q. You also mentioned in discussion with**
24 **Commissioner Hall the fact that you believe KCPL**
25 **and GMO's economic development rider had been more**

1 **successful than Ameren Missouri's. Do you recall**
2 **that?**

3 A. I believe I said that.

4 **Q. Do you know if there are any economic**
5 **development incentives available in the Kansas City**
6 **metropolitan area that aren't available in the**
7 **St. Louis metropolitan area?**

8 A. For utility based or for --

9 **Q. For --**

10 A. -- in general?

11 **Q. For companies in general.**

12 A. Are there any economic incentives
13 that are unique to Kansas City?

14 **Q. That are available in Kansas City**
15 **that aren't available in St. Louis.**

16 A. I can't speak to that.

17 **Q. Well, if there are, could that have**
18 **influenced the success that KCP&L is having?**

19 A. You know, I can't speak to what
20 influence those particular participants to take up
21 the incentive that was offered by KCPL, or I guess
22 to that extent that there might be other
23 incentives, additional incentives on top of
24 incentives, is that what we're asking?

25 **Q. I'm just trying to figure out if**

1 **you've been able to isolate that it was incentives**
2 **that KCP&L and GMO were offering that were causing**
3 **businesses to locate in the Kansas City**
4 **metropolitan area?**

5 A. I can't speak to that.

6 MR. MITTEN: I have no further
7 questions. Thank you.

8 JUDGE WOODRUFF: Any redirect?

9 MR. ALLISON: No.

10 JUDGE WOODRUFF: Then Dr. Marke can
11 step down.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 JUDGE WOODRUFF: Next witness then
15 would be Mr. Scheperle for the Staff. Welcome
16 back. I believe you have testified previously.

17 THE WITNESS: That is correct.

18 JUDGE WOODRUFF: You are still under
19 oath.

20 MICHAEL SCHEPERLE testified as follows:

21 DIRECT EXAMINATION BY MS. MYERS:

22 **Q. Mr. Scheperle, are you the same**
23 **Michael Scheperle who prepared or caused to be**
24 **prepared sections of Staff's Cost of Service**
25 **Report, particularly pages 54 through 56?**

1 A. Yes.

2 Q. Do you have anything to correct in
3 that testimony?

4 A. No, I do not.

5 Q. With that in mind, if I asked the
6 same questions today, would your answers be the
7 same?

8 A. They would be the same.

9 Q. Is the information in that document
10 true and correct to the best of your knowledge?

11 A. Yes.

12 MS. MYERS: Your Honor, Staff offers
13 Mr. Scheperle's testimony and tenders the witness
14 for cross.

15 JUDGE WOODRUFF: I believe his
16 testimony was actually offered the last time he was
17 on the stand and I deferred ruling on that. So he
18 will be back for, I believe, the Noranda issue; is
19 that correct?

20 THE WITNESS: That is correct.

21 JUDGE WOODRUFF: Okay. So we'll move
22 to cross-examination, beginning with MIEC.

23 MR. DOWNEY: No cross.

24 JUDGE WOODRUFF: Public Counsel?

25 MR. ALLISON: No cross.

1 JUDGE WOODRUFF: Consumers Council, I
2 don't think he's here. Division of Energy.

3 MR. KNEE: No questions.

4 JUDGE WOODRUFF: And Wal-Mart's gone.
5 United for Missouri?

6 MR. LINTON: I have no questions,
7 your Honor.

8 JUDGE WOODRUFF: Ameren?

9 MR. MITTEN: No questions, your
10 Honor.

11 JUDGE WOODRUFF: We'll come up for
12 questions from the Bench. Mr. Chairman?

13 CHAIRMAN KENNEY: Mr. Scheperle, I
14 don't have any questions. Thanks.

15 COMMISSIONER W. KENNEY: No
16 questions. Thank you.

17 JUDGE WOODRUFF: Commissioner Hall?

18 QUESTIONS BY COMMISSIONER HALL:

19 Q. Good afternoon.

20 A. Good afternoon.

21 Q. It's my understanding that prior to
22 1980 Ameren's rate design distinguished between
23 rural and non-rural customers. Do you know
24 anything about this?

25 A. I'm aware of that.

1 **Q. Do you know exactly when, when that**
2 **change occurred?**

3 A. Off the top of my head, I'm not sure,
4 but I believe it -- it was in the late '70s or
5 '80s.

6 **Q. Do you know what the basis was for**
7 **that distinction?**

8 A. At that time, my understanding was
9 that it cost more to serve a rural customer than it
10 did an urban customer.

11 **Q. And did something change that**
12 **resulted in the elimination of that distinction?**

13 A. I'm not aware of what changed. I do
14 know that at one time Union Electric owned a
15 company called Missouri Power & Light and Missouri
16 Edison Company and Missouri Utilities Company, and
17 they owned the stock and they merged. At one time
18 I worked for Missouri Power & Light Company.

19 **Q. You said that the -- you said that**
20 **the cost of service differed between a rural and**
21 **non-rural customer. Why was that?**

22 A. Basically population density. It's
23 just there's not as many homes in a rural area as
24 in a subdivision in town.

25 **Q. So was it just a residential class**

1 **distinction or was it also a distinction in**
2 **industrial and commercial classes?**

3 A. I believe there was a distinction for
4 commercial customers, industrial customers. I'm
5 not sure I know.

6 Q. So you don't know exactly why
7 sometime in the late '70s to early '80s the
8 Commission decided to not have a distinction
9 between rural and non-rural in any of those
10 classes? You just know that there was a
11 distinction, there was a basis for the distinction,
12 and we have since eliminated the distinction?

13 A. Yes. I know my colleague Mr. Beck
14 might know better because he's been at the
15 Commission a lot longer than I have.

16 Q. Do you believe that there is an
17 additional cost to serve customers in areas where
18 there is -- where there is not excess capacity
19 versus customers in service areas where there is
20 excess capacity? And I'm talking about existing
21 customers, and then I will ask the same question
22 for new load.

23 A. I believe you get more of a -- for
24 utilized areas that you would -- you'd get more
25 revenue from those areas.

1 Q. Okay. I'm focused on the cost side.
2 I'm intrigued by your answer there, but on the cost
3 side, is there a distinction for existing customers
4 in terms of cost to serve?

5 A. I believe there would be a
6 distinction.

7 Q. Can you elaborate on why you think
8 there is a distinction and what exactly that
9 distinction is?

10 A. Mostly I'm thinking of the
11 distribution system, that utilized area you would
12 need transformers and lines, and if you had a lot
13 of homes there, you would need those lines and
14 you'd need a transformer that could supply the
15 capacity.

16 Q. What about new load, if you've got a
17 customer that is considering two locations, one
18 where there's excess capacity, one where there is
19 not, how would you characterize the cost to serve
20 those two?

21 A. You've got to repeat that question.

22 Q. Is there a difference for Ameren in
23 providing service to a -- to customer A who moves
24 into a zip code with excess capacity or customer B
25 who moves into a zip code where there is not excess

1 **capacity?**

2 A. I believe the incremental cost would
3 be less for the underutilized area.

4 **Q. And what are the components of that**
5 **incremental cost?**

6 A. Well, it would be the distribution
7 system itself. It would be the poles, the 364
8 account, the lines, 365 through 368 and -- well, or
9 367, and then the transformer, which is account
10 368.

11 **Q. Can you give me all those account**
12 **numbers again?**

13 A. I believe the poles would be account
14 364, and the lines would be 365, 366, 367, and
15 transformers is line -- or is account No. 368.

16 **Q. And I'm not asking you to do the**
17 **calculation now, but is it possible to do a**
18 **calculation and, with some degree of certainty,**
19 **quantify the difference in cost in that**
20 **hypothetical?**

21 A. There would be a lot of assumptions
22 in the hypothetical. I mean, you'd just -- you'd
23 have to know the load characteristics, I think, of
24 what's going on within that center, I mean, the
25 operating center and the line and the transformer.

1 You'd have to know a lot of things and you'd have
2 to make a lot of assumptions.

3 Q. Now, I'm -- I'm assuming
4 Schedule DB-2-4, questions about that should be
5 addressed to Mr. Beck. Is that what DB stands for
6 there?

7 MR. BORGMEYER: Yes.

8 THE WITNESS: Yes.

9 BY COMMISSIONER HALL:

10 Q. My understanding is that Staff has
11 some concerns about any new rider that would have
12 eligibility criteria that was not crystal clear
13 because that would result in difficulty in
14 determining eligibility and the auditing expense
15 and whatnot. Do you share that concern or --

16 A. Yes.

17 Q. Were you in the -- in the hearing
18 room when we had a discussion about this particular
19 schedule that I'm going to get into in more depth
20 with Mr. Beck where there was certain -- certain
21 substations where there was -- where there was
22 available and excess capacity identified?

23 A. I was in the room, yes.

24 Q. Okay. Would you -- would that be one
25 way of determining eligibility that would avoid

1 some of the auditing and criteria, some of the
2 auditing concerns that Staff articulated, or is
3 that an issue I should get into with Mr. Beck?

4 A. Probably Mr. Beck.

5 Q. Do you believe that there are any
6 public policy reasons for limiting a rider such as
7 the one that we've been talking about here to the
8 St. Louis area?

9 A. No.

10 Q. What is your position on whether or
11 not we should make this or any kind of modified
12 rider mandatory as opposed to discretionary?

13 A. On the economic development riders --
14 could you repeat the question?

15 Q. Sure. The current economic
16 development rider and economic redevelopment rider
17 both give the company the discretion to determine
18 eligibility. One suggestion has been that we take
19 that discretion away from the company and make it
20 mandatory; that when a ratepayer is eligible, he
21 is -- he/she/it is entitled to whatever the
22 benefits are from that rider.

23 Do you have any thoughts or concerns
24 about that change in policy?

25 A. There's a difference of if you have a

1 rate case like is going on now and the Commission
2 makes a decision on that rate case, if you have a
3 new customer that comes in and says, I'd like an
4 economic development rider, in that meantime before
5 the next case, basically the company eats that
6 money, the discount that they're given.

7 So there's a collaborative there
8 between the customer and the utility and the state
9 and local agency, but there is the understanding
10 that the company, until they have the next rate
11 case, will give that discount, and that really
12 comes from -- it doesn't come from the ratepayers.
13 It comes from the stockholders at that time until
14 you have a rate case. And then Staff reviews the
15 economic development rider and sees if it was
16 justified and should we spread this through all of
17 the classes. I mean, we take a look at that. Does
18 that answer your question?

19 **Q. I'm not sure. So I think what you**
20 **said is the reason why it might make sense to keep**
21 **it discretionary is because it's coming out of**
22 **shareholders' pockets?**

23 A. It is originally, yes.

24 **Q. So if there was a way to establish**
25 **the mechanism such that it was not coming out of**

1 the company's pocket, the shareholders' pocket,
2 then your position would be that we -- there's no
3 reason why we couldn't make it mandatory?

4 A. That is correct.

5 Q. Is there any reason from your
6 perspective why we couldn't establish within our
7 rate design structure a lower rate for companies
8 and individuals that were locating in an area where
9 there was below a certain percentage of capacity?

10 A. I don't see any reason not to, but
11 all rates I believe should be established on class
12 cost of service principles.

13 Q. Right.

14 A. In other words, everybody should pay
15 for their -- the cost causation.

16 Q. So as long as there was a cost, a
17 cost of service basis for making that distinction,
18 then you think it would be a reasonable approach?

19 A. It would be a reasonable approach.

20 COMMISSIONER HALL: I have no further
21 questions. Thank you.

22 THE WITNESS: Thank you.

23 JUDGE WOODRUFF: All right. Any
24 recross based on those questions from the Bench?
25 All right. Any redirect?

1 MS. MYERS: Just a few questions.

2 REDIRECT EXAMINATION BY MS. MYERS:

3 Q. Mr. Scheperle, we talked a little bit
4 and you were asked a few questions about
5 eligibility concerns and auditing. Could you
6 explain some of the concerns Staff has with
7 eligibility and just auditing those eligibility
8 criteria?

9 A. Eligibility criteria for residential
10 customers, Ameren has over a million residential
11 customers, and auditing any kind of a program for
12 that would be very difficult.

13 Auditing the commercial and
14 industrial classes, there's a criteria set up and
15 there's not as many customers, so you're talking
16 maybe 10 to 15. So it's a lot easier to audit
17 those than it would be if you opened it up and you
18 had, you know, 30,000 people were in the program.

19 Q. Even in these industrials -- with
20 these industrial customers, the more eligibility
21 criteria you add, does that add additional burdens
22 on whatever entity is auditing?

23 A. Yes, it does.

24 Q. And is it Staff's opinion that the
25 current economic development riders that we have

1 **are being effective?**

2 A. I know that for a company like Kansas
3 City Power & Light, that I guess about a year and a
4 half or two years ago that they revised their
5 economic development riders, and according to my --
6 the minimum filing requirements in cases, that
7 they're using theirs and it's about 2.9 million
8 discount that they're giving to their customers.
9 With Ameren, I think they've had one customer in
10 about over seven years.

11 **Q. And does Staff have any opinions or**
12 **ideas of how to improve participation in the riders**
13 **currently?**

14 A. Well, for one, we -- we don't want to
15 see any more criteria added to the economic
16 development riders that would make them harder to
17 get into the program, I guess. I mean, I know
18 there's a proposal out there for -- to tie
19 economic -- or energy efficiency to this program.
20 And in itself it's not a bad proposal, but it just
21 puts one more criteria on it. And when you've only
22 had one customer in seven years that's taken
23 advantage of these programs --

24 MR. KNEE: I'm going to object that
25 this is well beyond the scope of direct or even

1 questions from the Bench, that this wanders into
2 the space of supplemental direct.

3 JUDGE WOODRUFF: Overruled.

4 THE WITNESS: So, basically, we don't
5 want any more criteria put on it.

6 MS. MYERS: Thank you, Mr. Scheperle.
7 No further questions.

8 JUDGE WOODRUFF: You can step down.

9 (Witness excused.)

10 JUDGE WOODRUFF: Next witness then is
11 Mr. Beck. This is your first time; is that
12 correct?

13 THE WITNESS: Correct.

14 JUDGE WOODRUFF: First time in this
15 case.

16 THE WITNESS: Yes.

17 (Witness sworn.)

18 JUDGE WOODRUFF: Thank you.

19 DAN BECK testified as follows:

20 DIRECT EXAMINATION BY MS. MYERS:

21 Q. Mr. Beck, could you please state your
22 name for the record.

23 A. Daniel I. Beck, last name spelled
24 B-e-e-k.

25 Q. Thank you. Where are you employed

1 **and in what capacity?**

2 A. I'm employed with the Staff of the
3 Missouri Public Service Commission, and I'm the
4 Manager of Engineering Analysis.

5 **Q. Are you the same Daniel Beck who**
6 **prepared or caused to be prepared sections of**
7 **Staff's Class Cost of Service Report?**

8 A. I am.

9 **Q. Do you have anything you wish to**
10 **correct in that testimony?**

11 A. No, I do not.

12 **Q. With that in mind, if I asked you the**
13 **same questions, would your answers be the same?**

14 A. Yes, they would.

15 **Q. Is the information in that document**
16 **true and correct to the best of your knowledge and**
17 **belief?**

18 A. Yes, it is.

19 MS. MYERS: Your Honor, Staff offers
20 Daniel Beck's testimony and tenders the witness for
21 cross.

22 JUDGE WOODRUFF: His testimony would
23 be in 201?

24 MS. MYERS: Yes.

25 JUDGE WOODRUFF: And I assume that

1 will be coming up again later in the hearing, so
2 I'm not going to admit it at this time but we will
3 defer ruling on its admission.

4 For cross-examination, begin with
5 MIEC.

6 MR. DOWNEY: No cross.

7 JUDGE WOODRUFF: Public Counsel?

8 MR. ALLISON: None, sir. Thank you.

9 JUDGE WOODRUFF: Division of Energy?

10 MR. KNEE: No questions, your Honor.

11 JUDGE WOODRUFF: United for Missouri?

12 MR. LINTON: No questions.

13 JUDGE WOODRUFF: Ameren?

14 MR. MITTEN: No questions.

15 JUDGE WOODRUFF: For questions from
16 the Bench, Mr. Chairman?

17 CHAIRMAN KENNEY: No questions,
18 Mr. Beck. Thank you.

19 JUDGE WOODRUFF: Commissioner Kenney?

20 COMMISSIONER W. KENNEY: No
21 questions.

22 JUDGE WOODRUFF: Commissioner Hall?

23 QUESTIONS BY COMMISSIONER HALL:

24 Q. Good afternoon.

25 A. Good afternoon.

1 **Q. I'd like to spend a little bit of**
2 **time looking at Schedule 2-4. Do you have that in**
3 **front of you?**

4 A. I do.

5 COMMISSIONER HALL: And I ask
6 Ameren's counsel again, if we get into highly
7 confidential material, please interrupt. I don't
8 anticipate naming any of the particular
9 substations, so I think we should be okay.

10 MR. TOMC: Thank you, Commissioner.

11 BY COMMISSIONER HALL:

12 **Q. This particular schedule, was this**
13 **in -- when you received this information, did it**
14 **come to you in this form or did you put it together**
15 **in this form?**

16 A. It came to us in this form. For
17 example, as the previous page indicates, we had
18 discussions with the company regarding the document
19 and how responsive it was to initial DR and what
20 form it would be in. So we were involved in kind
21 of that discussion of developing it, but ultimately
22 the company provided it.

23 **Q. Do you have an understanding as to**
24 **how difficult it would be to design a map of**
25 **Missouri showing every substation in Ameren's**

1 **territory and the geographic area served by that**
2 **substation?**

3 A. I think that Ameren probably -- and
4 I'm speculating, but I believe they have the GIS
5 system that probably already has that information.
6 Now, putting it on a piece of paper where it's
7 readable and that type of thing's another story.
8 But the general basic data I think exists in the
9 GIS system today.

10 Q. **And this is something that we'll get**
11 **into with Mr. Wakeman tomorrow as well, but would**
12 **it be your understanding that it would be rather**
13 **simple information technology entry, rather simple**
14 **software tweaks, if you will, to reduce rates at**
15 **certain substations and increase it in others?**

16 A. By substation?

17 Q. **Yes.**

18 A. I believe so. There's a small caveat
19 that I need to explain as an engineer. There are
20 certain segments of distribution lines that are in
21 areas that are close to two different substations
22 at once, and the company has switches in place
23 where they literally can serve that area from one
24 substation or another. Not all customers are in
25 this position, but it does exist.

1 And so with that process, for
2 example, when a storm hits, that is one of the
3 first responses that the company uses to restore
4 customers is to see if they literally can take a
5 segment of customers and move them to another
6 substation or another feeder that's active.

7 So, you know, I guess your -- under
8 that scenario, a fraction of the customers could
9 potentially be moved from one substation to another
10 due to day-to-day engineering concern. But if you
11 take a point in time, you could exactly identify
12 which customers were served out of which
13 substations.

14 **Q. Could you explain to me the column on**
15 **the far right, percent target loading available,**
16 **what does that mean?**

17 A. It basically is saying that when --
18 well, let me -- when you see a value of
19 100 percent, what that means is that there is
20 literally no loading on that line and, therefore,
21 100 percent of that line is available to serve a
22 new customer. And when I use the term new customer
23 in this sense, it's -- it's a customer that isn't
24 currently being served. That could be someone that
25 moves into a home or a business or could be a

1 brand-new business that didn't exist before.

2 Q. So the 100 percent means that there
3 is 100 percent of that line available?

4 A. That's correct.

5 Q. So what does -- how does -- how does
6 that translate into a determination as to whether
7 or not there is excess capacity? How would you
8 characterize that?

9 A. In that example for that particular
10 feeder, there's literally 100 percent available.
11 So it is -- it is not being utilized at all today
12 despite the fact that it exists and is part of the
13 distribution system. So, I mean, it's fully
14 available and yet not being utilized at this
15 moment.

16 Q. So at the end of the document where
17 we get to 1 percent, what does that mean?

18 A. In that case, the line is almost
19 fully loaded. At that point maybe I should clarify
20 that the -- the term fully loaded is comparing a
21 temperature-adjusted load on that line to a target
22 loading, and that's -- you mentioned some of the
23 other columns.

24 The target loading is not -- is not
25 the absolute maximum capacity that you -- that that

1 line could serve. It is, in fact, two-thirds of
2 the maximum capacity. And that's -- you know, a
3 safety factor is applied then. That extra
4 one-third of capacity allows for extreme weather
5 events, extreme load events that could happen.

6 So it's a -- the percentage at
7 1 percent, for example, it is basically saying that
8 the temperature-adjusted load is almost the exact
9 same as your target load.

10 **Q. So if there was a major development,**
11 **residential or industrial or commercial, planned**
12 **for that particular service area where you're at**
13 **1 percent or 2 percent, what is your sense as to**
14 **how Ameren would handle that situation?**

15 A. At that point, there would have to be
16 an engineering review to determine how that
17 customer could be served because there would not be
18 enough capacity on that existing line to add a
19 fairly large -- wouldn't really require a fairly
20 large customer if you're at 1 percent, if you're
21 that close to the target loading.

22 And, you know, that engineering
23 review may result in utilizing different feeders,
24 it may result in utilizing different substations,
25 or it may result in the need to build a new line.

1 Q. Or other aspects of the distribution
2 system?

3 A. Yeah. Or substation, correct.

4 Q. Which would have a direct cost to
5 Ameren and hypothetically a direct cost to Ameren
6 ratepayers?

7 A. Correct.

8 Q. Could you give me a little bit more
9 detail about your sense as to what that incremental
10 cost, incremental infrastructure cost might be?

11 A. Mr. Scheperle identified some cost
12 categories.

13 Q. And are those the same ones that you
14 would cite as well?

15 A. The one that I -- that I don't
16 believe he specifically mentioned was the idea of a
17 substation in addition. So the things that he
18 identified were the lines, the transformers, the
19 poles. Those are typically the pieces of equipment
20 that are closest to the customer.

21 But ultimately a substation I guess
22 could also be an issue which would be located
23 further away in a separate set of accounts that I
24 cannot tell you the number of.

25 Q. Okay. But those are the main ones as

1 far as you know?

2 A. Yes.

3 Q. Okay.

4 A. And those are all what we generally
5 refer to as the distribution system.

6 Q. There's a schedule behind the one
7 that we were talking about, and was that one also
8 responsive to the data request or is that a
9 different data request response? I'm looking at
10 2-28.

11 A. Okay. Yes. The -- I think the
12 difference here is the first one I believe is the
13 St. Louis County, and the second table and set of
14 data is St. Louis City, is my remembrances of the
15 breakdown of these two tables.

16 And we concentrated our questions on
17 St. Louis City and County to make it more
18 manageable for the company to be able to respond to
19 this data in a -- data request in a timely fashion.

20 Q. In my discussion with Mr. Scheperle,
21 we discussed the pre-1980 distinction between rural
22 and non-rural that existed in at least some of the
23 rate classes. Are you familiar with that?

24 A. Generally, although I'm proud to say
25 that, in spite of what people are saying, I was not

1 here at the Commission at that time.

2 Q. So can you shed any light on why such
3 a distinction existed in rate design at that point
4 in time and why at least until the current rate
5 case it has not?

6 A. I'm kind of more familiar with the
7 distinctions like that in both electric and natural
8 gas, not specifically with that particular one, but
9 what -- what was happening at that time was, as the
10 process evolved, distinctions that were large in
11 previous years were narrowing. And as that
12 happened, then there were lots of different rates
13 like urban and rural that were eliminated as a part
14 of that process.

15 But what I can't do is tell you
16 specifically that I have knowledge that that is
17 exactly what was happening and what -- and how
18 narrow that had gotten with regards to, at that
19 time it would have been Union Electric.

20 COMMISSIONER HALL: Okay. I have no
21 further questions. Thank you.

22 JUDGE WOODRUFF: Any recross based on
23 questions from the Bench? Ameren.

24 RECROSS-EXAMINATION BY MR. MITTEN:

25 Q. Good afternoon, Mr. Beck.

1 A. Good afternoon.

2 Q. In the discussion with Commissioner
3 Hall, you talked about the feeder. What's a
4 feeder?

5 A. A feeder is a distribution line, but
6 it is at a higher voltage than a normal customer
7 would take, and it can serve -- in most cases it
8 serves hundreds if not maybe a thousand customers.
9 So it's a -- it's a very important line, and it
10 typically comes directly out of the substation.

11 Q. The substation's on one end of the
12 feeder. What's on the other end?

13 A. At the other end then there'll be
14 either direct customers through use of a
15 transformer to get that voltage down to what that
16 customer needs or there will be lower voltage
17 lines, taps is the general word we use, t-a-p, to
18 refer to a lower voltage line that serves a small
19 group of customers off of that main feeder line.

20 Q. Are there feeder lines that don't
21 serve any customers directly?

22 A. I mean, in the table here, there's
23 ones where the line is currently not being
24 utilized, but I'm trying to think of a scenario.
25 Yes, I think it would be very, very possible that

1 you have a feeder that at that voltage serves no
2 customers and then it's -- that is -- as that is --
3 as taps are spun off of that, that's where you're
4 actually serving customers.

5 **Q. Are there feeders that are designed**
6 **not to serve any customers?**

7 A. Yes. I believe that's true.

8 MR. MITTEN: Your Honor, for the next
9 few questions, I'm afraid I'm going to have to ask
10 that we go in-camera.

11 JUDGE WOODRUFF: All right. If
12 there's anyone in the back of the room that needs
13 to leave, please do so.

14 (REPORTER'S NOTE: At this point, an
15 in-camera session was held, which is contained in
16 Volume 25, pages 1721 through 1727 of the
17 transcript.)

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1 JUDGE WOODRUFF: We're back in
2 regular session.

3 REDIRECT EXAMINATION BY MS. MYERS:

4 Q. Mr. Beck, you were asked a lot of
5 questions about the schedules and capacity,
6 available capacity, and that's all relevant to
7 what's being utilized versus what's being
8 underutilized. So what is Staff's position on how
9 underutilization should really be assessed?

10 A. I think that the Staff's position is
11 that this data, you know, was a good first step to
12 try to understand that. You know, I would also
13 note that the discussion that OPC had regarding
14 looking at the census data might well be the type
15 of data that you could use the results of both data
16 sets to kind of confirm that a specific area might
17 have additional value to be looked at.

18 So, you know, I think it's our
19 position that this data has relevance, but, you
20 know, as the discussion's taken place here today,
21 just better understanding this data for the wider
22 group is important to move forward.

23 MS. MYERS: Thank you. I have no
24 further questions.

25 JUDGE WOODRUFF: Mr. Beck, you can

1 step down.

2 (Witness excused.)

3 JUDGE WOODRUFF: Next witness then is
4 Ms. Lohraff for Division of Energy.

5 (Witness sworn.)

6 JUDGE WOODRUFF: You may inquire.

7 JANE LOHRAFF testified as follows:

8 DIRECT EXAMINATION BY MR. KNEE:

9 **Q. Ms. Lohraff, we'll start off with**
10 **some softballs. What is your full name?**

11 A. Jane Elizabeth Lohraff.

12 **Q. And who do you work for?**

13 A. The Division of Energy within the
14 Department of Economic Development.

15 **Q. In what capacity do you work for the**
16 **Division of Energy?**

17 A. I'm an Energy Policy Analyst.

18 **Q. Are you the same Jane Lohraff who**
19 **prepared or caused to be prepared direct, rebuttal**
20 **and surrebuttal testimony in this case marked as**
21 **Exhibits 702, 703 and 704 respectively?**

22 A. I am.

23 **Q. All right. Do you have any**
24 **corrections to make to your testimony today?**

25 A. I do. In my rebuttal, I corrected a

1 statute citation in my direct from page 13,
2 line 4. The correct citation is 393.1075.14.
3 Thank you.

4 **Q. All right. So just to clarify, the**
5 **correction is your direct?**

6 A. Correct.

7 **Q. Page 13, line 4?**

8 A. Correct.

9 **Q. If I asked you the same questions**
10 **today, would your responses remain the same except**
11 **for the correction you just made?**

12 A. They would.

13 **Q. Is the information contained in your**
14 **testimony true and accurate to the best of your**
15 **understanding?**

16 A. It is.

17 MR. KNEE: Okay. I offer Exhibits
18 702, 703, 704 into the record.

19 JUDGE WOODRUFF: 702, 703 and 704
20 have been offered. Any objection to their receipt?

21 (No response.)

22 JUDGE WOODRUFF: They will be
23 received.

24 (DOE EXHIBIT NOS. 702, 703 AND 704
25 WERE RECEIVED INTO EVIDENCE.)

1 MR. KNEE: I tender the witness for
2 cross-examination.

3 JUDGE WOODRUFF: Beginning with MIEC.

4 MR. DOWNEY: No questions.

5 JUDGE WOODRUFF: United for Missouri?

6 MR. LINTON: No questions.

7 JUDGE WOODRUFF: Public Counsel?

8 MR. ALLISON: No questions.

9 JUDGE WOODRUFF: Staff?

10 MS. MYERS: I just have a couple
11 questions.

12 CROSS-EXAMINATION BY MS. MYERS:

13 Q. It's my understanding from your
14 testimony that your position is that participation
15 in MEEIA should be requisite for any sort of
16 economic development rider; is that correct?

17 A. Yes, it is.

18 Q. And how do you propose that those
19 requirements be tracked or audited in terms of who
20 is complying?

21 A. Say that again, please.

22 Q. How do you -- do you propose any sort
23 of enforcement mechanism in terms of making sure
24 companies are actually participating in MEEIA who
25 are in these economic development riders, in

1 terms -- I guess I'll clarify. I apologize.

2 Do you expect the Public Service
3 Commission to audit and make sure that people are
4 actually participating in these programs?

5 A. With regard to the EDR, like an EDR
6 customer?

7 Q. Correct.

8 A. Is actually participating, is that
9 your question?

10 Q. Correct.

11 A. Well, I would expect it to be no
12 different than it is now, which is under Ameren's
13 MEEIA programs, there's a process whereby customers
14 come in, they participate in those programs, they
15 track the energy savings, and that goes back to the
16 customer. So that's already being tracked, and
17 what I'm proposing isn't anything different than
18 that.

19 Q. I understand. Okay. I guess just
20 Staff's concern is this adds an additional
21 criteria. It's another burden on the
22 administrative instituting these policies, costs
23 more money and more auditing and just services that
24 we don't have. So that's my question really, who's
25 going to track this? Who's going to ensure they're

1 **actually complying?**

2 MR. KNEE: I'll object that this has
3 already been asked and answered.

4 JUDGE WOODRUFF: I'll sustain that
5 objection.

6 MR. KNEE: I'll withdraw it. No
7 further questions.

8 JUDGE WOODRUFF: For Ameren?

9 MR. MITTEN: No questions.

10 JUDGE WOODRUFF: Questions from the
11 Bench, Mr. Chairman?

12 CHAIRMAN KENNEY: No questions.
13 Thank you.

14 JUDGE WOODRUFF: Commissioner Kenney?

15 COMMISSIONER W. KENNEY: No
16 questions.

17 JUDGE WOODRUFF: Commissioner Hall?

18 COMMISSIONER HALL: No questions.

19 Thank you.

20 JUDGE WOODRUFF: Commissioner Rupp?

21 COMMISSIONER RUPP: No questions.

22 JUDGE WOODRUFF: All right. There's
23 no questions from the Bench, so no recross. Any
24 redirect?

25 MR. KNEE: No, your Honor.

1 JUDGE WOODRUFF: All right. You can
2 step down.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 JUDGE WOODRUFF: And the next witness
6 is Mr. Brubaker. Mr. Brubaker, you testified
7 previously, so you're still under oath.

8 THE WITNESS: Yes, sir.

9 JUDGE WOODRUFF: You may inquire.

10 MR. DOWNEY: I think he's ready for
11 cross, Judge.

12 JUDGE WOODRUFF: Beginning with
13 Public Counsel.

14 MR. ALLISON: No cross.

15 JUDGE WOODRUFF: Staff?

16 MS. MYERS: No cross.

17 JUDGE WOODRUFF: Division of Energy?

18 MR. KNEE: No cross.

19 JUDGE WOODRUFF: Skip down to Ameren
20 Missouri, then.

21 MR. MITTEN: No questions, Judge.

22 JUDGE WOODRUFF: Questions from the
23 Bench, Chairman?

24 CHAIRMAN KENNEY: Mr. Brubaker, good
25 to see you.

1 THE WITNESS: Good to see you, sir.

2 CHAIRMAN KENNEY: No questions.

3 JUDGE WOODRUFF: Commissioner Hall?

4 MAURICE BRUBAKER testified as follows:

5 QUESTIONS BY COMMISSIONER HALL:

6 Q. I have a couple questions for you
7 outside the areas that you provided testimony on
8 this issue. So it is somewhere between possible
9 and likely that you may not have answers to these
10 questions, but I'm relying on the fact that you've
11 been in this business for a while and you've been
12 all over the country on these issues. I'm going to
13 try to take advantage of the fact when I have
14 someone like that before me.

15 A. I'll do the best I can, Commissioner.

16 Q. I appreciate that. Do you believe
17 that there is an additional cost to the utility to
18 serve a customer in one geographic area where there
19 is excess capacity compared to the same customer,
20 the same demand in a different geographic area
21 where there is not excess capacity?

22 A. If you just look at the change in
23 cost as a result of adding the customer, I think,
24 is that part of the question, that we're adding a
25 customer?

1 Q. Yes.

2 A. Then there could be a difference in
3 the incremental cost at that point in time.

4 Q. What would that incremental -- what
5 would be the components of that incremental cost?

6 A. It would be whatever the hookup costs
7 were.

8 Q. So --

9 A. That would be like a line from the --
10 from the existing transmission or distribution line
11 to the customer, plus any reinforcements that would
12 have to be made in the grid infrastructure in that
13 area.

14 Q. Do you believe that it would be
15 possible to track cost savings to a utility if such
16 a mechanism were put in place?

17 A. I think it would be difficult because
18 it's kind of counterfactual. You have to know what
19 would they have done if it were someplace else, and
20 without defining someplace else or calculating the
21 cost, I don't know how you'd do that.

22 Q. What if you made the assumption that
23 a customer in a geographic region where there's
24 underutilized infrastructure but for some mechanism
25 would be in a geographic area where there was not

1 **excess capacity? If you made that assumption,**
2 **which granted is a pretty significant assumption,**
3 **but if you made that assumption, then could you**
4 **track costs with any amount of certainty?**

5 A. You could calculate costs, but I
6 would question whether the result was accurate or
7 meaningful.

8 **Q. Because of the assumption?**

9 A. Correct.

10 **Q. Okay. Are you aware of an attempt to**
11 **establish either a rider or some other rate design**
12 **mechanism similar to what we've been talking about**
13 **here in any other jurisdiction?**

14 A. Let me set the stage a little bit, if
15 I can. Ameren Missouri does have, I think they
16 call it an economic redevelopment rider that
17 applies to a particular geographic area in the City
18 of St. Louis that is kind of like that.

19 **Q. Yeah. Let me --**

20 A. And I think --

21 **Q. I'm sorry. I don't want to**
22 **interrupt.**

23 A. I'm sorry. I was going to say, I
24 think I have seen something like that in other
25 jurisdictions. I can't call to mind at the moment

1 which ones or how they work.

2 Q. Well, what about some type of rider,
3 some type of infrastructure efficiency rider --
4 that sounds good.

5 A. An EIR.

6 Q. Some kind of infrastructure
7 efficiency rider that would somehow attempt to
8 quantify infrastructure cost differential for those
9 customers in areas where there's underutilized
10 infrastructure vis-a-vis customers in geographic
11 areas where there's not, have you ever seen
12 anything like that before?

13 A. I may have, but nothing -- nothing
14 pops out as I think about it.

15 Q. What is your sense as to the
16 significance of the cost of electricity for large
17 industrial consumers when making decisions about
18 where to locate, where to expand? Is that a
19 significant factor?

20 A. I think it's a factor that, from my
21 experience, is always looked at. How much it
22 weighs in the final decision is very much a
23 function of the customer and the customer's
24 processes and competitive position and price
25 sensitivities. But it's -- it's something that's

1 always looked at. It's a factor in the equation.

2 Q. And I imagine we'll have more
3 discussion about that next week?

4 A. That's probably the case.

5 Q. Do you think that those similar
6 concerns are ever at issue for residential
7 customers, or do you have any --

8 A. I think likely not because I think
9 residential customers tend to locate, reside where
10 their employment opportunities are. So I think
11 it's just part of the cost of being somewhere.

12 Q. So there could be a lack of
13 transparency that could also be at issue in that as
14 well. I think it's -- well, strike that.

15 COMMISSIONER HALL: I have no further
16 questions. Thank you.

17 THE WITNESS: Okay. Thank you.

18 JUDGE WOODRUFF: Any recross based on
19 those questions from the Bench? Any redirect?

20 MR. DOWNEY: No.

21 JUDGE WOODRUFF: Mr. Brubaker, you
22 can step down.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 JUDGE WOODRUFF: And that is the last

1 witness on this issue. Commissioner Hall indicated
2 he would like to question Mr. Wakeman tomorrow on
3 these issues, so we'll bring up Mr. Wakeman. He's
4 actually scheduled to be first tomorrow anyway. So
5 before we get into the streetlighting issue,
6 we'll --

7 MR. MITTEN: That's fine.

8 JUDGE WOODRUFF: And before we go
9 into the next issue, the MEEIA low-income
10 exemption, we'll take a break. Let's come back at
11 10 'til, 10 'til 3.

12 (A BREAK WAS TAKEN.)

13 JUDGE WOODRUFF: All right. Let's
14 come back to order, please. And, Ms. Tatro, you
15 wished to raise some -- or answer some questions, I
16 believe.

17 MS. TATRO: Certainly I can. I think
18 there are two issues on the MEEIA low-income
19 exception that, I don't even know if disagreement
20 was the right word, but there were two questions
21 being raised, one of which was, if it's granted,
22 who pays the cost, just the residential class or
23 all customers? And I believe everyone in the room
24 has agreed it should be confined to the -- or
25 they're fine at least with it being confined to the

1 residential customers, which is about an 11 cent
2 impact a month.

3 The second question is, if customers
4 opt out, does that mean they also don't pay any of
5 this cost, and the answer to that is yes.

6 JUDGE WOODRUFF: And will that be
7 made part of a stipulation or --

8 MS. TATRO: I can certainly -- I
9 think this is different than the one we talked
10 about last week because the one we had talked about
11 last week there was already an existing order that
12 we do the report. This time there's not. So I can
13 certainly reduce this to writing and circulate it
14 and get it filed.

15 JUDGE WOODRUFF: So the question is,
16 do the Commissioners wish to ask any questions of
17 the witnesses on the MEEIA low income exemption?

18 MS. TATRO: Yes.

19 CHAIRMAN KENNEY: I don't know. Can
20 I ask a question right now?

21 JUDGE WOODRUFF: Sure.

22 CHAIRMAN KENNEY: I left because
23 you-all kicked me out of the room. When I came
24 back it was done. So I didn't hear what you said,
25 except that it would be -- so low income customers

1 would be able to opt out, and the balance would be
2 confined to residential consumers, and it would be
3 an 11 cent a month differential. I think one of
4 the proposals was that initially it was to be
5 spread among all customers and it would be a
6 6 cents differential.

7 Why have you-all agreed that we'd
8 confine it to residential consumers instead of
9 spreading it across all customer classes?

10 MS. TATRO: I think that was
11 explained in the testimony of Mr. Davis, and if you
12 need more detail than what I'm getting ready to
13 tell you, we'll have to ask him. But it has to do
14 with when you're truing up those revenues in MEEIA,
15 we have the rider, and with the rider we're
16 matching up the revenues with the expenses.

17 Of course, this is just revenue
18 that's not collected, and it's intraclass, and that
19 makes it a little more complicated. You can make
20 assumptions and do that, but it is just simpler if
21 you leave it within the residential class, and the
22 other parties agreed with us.

23 MR. ALLISON: The impact was 5 cents
24 per month per bill, 60 cents per year, and over
25 that issue, when the question is confined to the

1 residential class, the impact seemed minimal. It
2 is an issue for the residential class only, and so
3 from my perspective, it was an acceptable outcome.

4 CHAIRMAN KENNEY: So in addition to
5 it only being 60 cents a year, which, I mean, the
6 amount of money's de minimis. I agree with that.
7 You're fine with it from a fairness and public
8 policy standpoint?

9 MR. ALLISON: Yes.

10 CHAIRMAN KENNEY: I don't have any
11 other questions.

12 COMMISSIONER W. KENNEY: I have no
13 questions.

14 JUDGE WOODRUFF: Commissioner Hall.

15 COMMISSIONER HALL: Yeah, I have a
16 question. So the MEEIA -- so the low -- the
17 low-income customer would not pay the MEEIA charge,
18 which is how much money?

19 MS. TATRO: I think right now the
20 average -- and it changed in February, and I think
21 the average is 7 -- for the customers we're talking
22 about, it's \$7 a month that they will be saving.

23 COMMISSIONER HALL: And by -- the
24 low-income customer would have to take affirmative
25 action to opt out or it would be automatic?

1 MS. TATRO: No. What we did is we
2 defined -- and the statute says it has to be
3 defined in a rate case, so that's what we did. We
4 defined the class that would be eligible as anybody
5 who in the last 12 months or going forward has
6 qualified for LIHEAP or Keeping Current, all of the
7 different low-income programs that we participate
8 in.

9 So our system is set up if they've
10 received that assistance in the last 12 months, it
11 will automatically be stripped from their bill. As
12 we go forward, if they get it next winter for the
13 first time, the system will automatically strip it
14 from their bill going forward.

15 COMMISSIONER HALL: And would that
16 low-income customer still be able to take advantage
17 of the MEEIA program?

18 MS. TATRO: Yes. It has nothing to
19 do with their eligibility to participate.

20 COMMISSIONER HALL: Thank you.

21 JUDGE WOODRUFF: Just to fill
22 Commissioner Rupp in, the parties have indicated
23 they've reached agreement on the next issue.

24 COMMISSIONER RUPP: I heard it.

25 JUDGE WOODRUFF: You heard it

1 upstairs. Okay. Did you have any questions?

2 COMMISSIONER RUPP: No.

3 JUDGE WOODRUFF: Okay. Anything
4 else? You said there were two questions.

5 MS. TATRO: Well, it was -- and the
6 second one was about if you were to spread it
7 across the -- all classes, do opt-outs pay, and
8 they don't. It becomes kind of moot once you
9 decide to keep it within residential.

10 JUDGE WOODRUFF: Well, it appears
11 that there are no questions from the Commission on
12 those issues, so if you would reduce that to
13 writing or however you need to do it to get
14 approval of the Commission.

15 MS. TATRO: I will do so.

16 JUDGE WOODRUFF: Okay.

17 MS. TATRO: I do have one more thing.
18 I'm sorry. Remember this is the one issue that we
19 would request the Commission issue an Order earlier
20 rather than wait for the Report and Order date
21 because the MEEIA tariff we have to file 60 days
22 ahead of time, which means we need to file it, I
23 think it's April 2nd. So we need the Order in time
24 for us to be able to make that filing April 2nd,
25 please.

1 JUDGE WOODRUFF: Make that part of
2 your writing also, and when we approve that,
3 we'll --

4 MS. TATRO: I will do that. Thank
5 you.

6 JUDGE WOODRUFF: All right. Well,
7 apparently that concludes the evidence for today.

8 MS. PAYNE: Your Honor, I will make
9 one more note. Michael Stahlman was supposed to
10 testify on this issue. It was the last issue he
11 was testifying on. So I would like to submit his
12 testimony into evidence at this time.

13 JUDGE WOODRUFF: Okay. And that
14 would be Nos. 236 and 237, his rebuttal and
15 surrebuttal.

16 MS. PAYNE: Correct.

17 JUDGE WOODRUFF: 236 and 237 have
18 been offered. Any objections to their receipt?

19 (No response.)

20 JUDGE WOODRUFF: Hearing none, they
21 will be received.

22 (STAFF EXHIBIT NOS. 236 AND 237 WERE
23 RECEIVED INTO EVIDENCE.)

24 JUDGE WOODRUFF: Now we need to go
25 over where we're going to be tomorrow. My

1 understanding -- well, we talked before the break,
2 Mr. Wakeman will take the stand on economic
3 development rate design before we go into
4 streetlighting. And then we had LED streetlighting
5 and other tariff issues and supplemental services
6 for tomorrow.

7 MS. TATRO: We didn't really have an
8 issue on the other tariff, so I don't think we have
9 to do anything there.

10 LED, Staff and the company agreed to
11 continue -- and I'm sorry, I don't have the case
12 number in front of me. It's EO-13 something, which
13 was a streetlighting tariff where the Commission
14 ordered us to annually update the cost
15 effectiveness study, which we've been doing, and we
16 agreed to continue doing that rather than picking a
17 date we're going to file a tariff because we don't
18 yet know when it makes sense to file a tariff.

19 So we didn't reduce that one to
20 writing, the fact being we're already under
21 Commission order to do that.

22 CHAIRMAN KENNEY: Can I?

23 JUDGE WOODRUFF: Go ahead.

24 CHAIRMAN KENNEY: I was going to ask
25 people questions about that tomorrow, but I'll just

1 go ahead and ask you now since you brought it up.

2 It sounds like you're ready to talk about it.

3 I'm looking back at the surrebuttal

4 testimony of one of our witnesses from the last

5 rate case and the case before and maybe even the

6 case before that. It seems like the LED

7 streetlighting issue has been something we've been

8 reviewing in each case, and we've asked Ameren to

9 provide a report about the cost effectiveness of

10 LED streetlighting in each case. I think we got at

11 least one report, and I know you-all are doing some

12 research with EPRI.

13 Are we going to keep doing this in

14 every rate case where you guys just keep reporting

15 back to us on an annual basis, or are we going to

16 finally find out whether it's cost effective or not

17 and get to a tariff? It's ongoing and I don't see

18 that we're making much progress on it.

19 MS. TATRO: I think we can have

20 Mr. Davis speak to this if it helps, but we've done

21 two reports. We did the initial report and we did

22 an update this December. The cost effectiveness is

23 improving. The up-front costs are decreasing. If

24 that continues, we might get to a point where it's

25 cost effective. But right now, I think the end

1 result is that if we replaced all of those lights,
2 customers would actually experience an increase
3 still because of the up-front costs. It's cost
4 effective maybe over 20 years but not initially.

5 So we will continue to look at it.
6 We'll probably look at it whether you order us to
7 do it or not, maybe not as formally as we're doing
8 it when you're ordering us to do it. So that
9 aspect is up to you. But what it appears is that
10 there's been enough interest, we thought it made
11 sense to keep doing that report so everyone is
12 informed as to kind of where that stands.

13 CHAIRMAN KENNEY: Does Staff have an
14 opinion about the efficacy of continuing to study
15 versus filing a tariff or making some more concrete
16 progress?

17 MR. THOMPSON: We're content to have
18 the company continue studying.

19 CHAIRMAN KENNEY: Is there any
20 indication that -- well, and this is for either
21 Ms. Tatro or Mr. Thompson, whomever wants to
22 answer. Is there a point at which you will be
23 prepared to make a decision about whether it is
24 cost effective or not? The technology's improving,
25 and I know that the costs are beginning to come

1 down. Are you able to estimate the trajectory of
2 the costs to a point you can say at this point it
3 will become cost effective?

4 MS. TATRO: Yeah. I'm an attorney.
5 So why don't we have Mr. Davis come talk to you?

6 CHAIRMAN KENNEY: I mean, we've got
7 the time. Do you mind if we do it now since we've
8 got him here? Mr. Davis is already sworn, and he's
9 heard my question.

10 MS. TATRO: He's having fun talking
11 with you-all. He doesn't mind at all.

12 CHAIRMAN KENNEY: I don't know that
13 that's true, he's having fun. I mean, if we get
14 these questions answered today, it's like we will
15 have to deal with the LED issue tomorrow, right?

16 MS. TATRO: Yeah. This is fine.

17 JUDGE WOODRUFF: Mr. Davis is back on
18 the stand. You're also still under oath.

19 THE WITNESS: Okay. Thank you.

20 WILLIAM DAVIS testified as follows:

21 QUESTIONS BY CHAIRMAN KENNEY:

22 Q. Did you understand my question?

23 A. Maybe if you can repeat it. That way
24 we can start fresh. Well, let me -- I'll just give
25 you an update on where we are, then, in terms of

1 the analysis and what it's shown us.

2 **Q. Okay.**

3 A. Actually, our latest analysis we
4 shared with the Commission Staff, I think it was
5 the end of December of 2014, right. So we just
6 gave an update. We will give -- also, we're
7 already scheduled to give an update by the end of
8 this year. So we're already on schedule to
9 continue updating this and we just did.

10 What it shows is that there's about
11 75 percent of company-owned lights to where it
12 looks like it's cost effective today, but we
13 subjected that to a lot of different sensitivities,
14 right, because that's just the base case. What we
15 saw was that, because of price declines, it becomes
16 a lot more cost effective and less risky if we
17 continue to wait a few more years because of the
18 price trends.

19 **Q. So it's coming down?**

20 A. That's right. And there's -- that
21 report isn't just about the cost effectiveness. It
22 also gets to some of the risk we're seeing with the
23 implementation in terms of what variables influence
24 the cost effectiveness the most. But it also gets
25 to some of the issues we're seeing as potential

1 barriers to implementation.

2 And one thing we've got to think
3 about is, if you're going to implement LED
4 streetlights, it's not quite as simple as just
5 putting a tariff out there, because the light
6 qualities of the LED streetlights versus the
7 high-pressure sodiums are so different. The
8 replace on failure model doesn't work that well
9 because then you can have kind of a yellow light,
10 yellow light, bright white light, yellow light,
11 yellow light.

12 So in terms of changing the lighting
13 system to LED, it's going to take more of a
14 concerted effort to do it in more of a rational way
15 than just putting a tariff out there. And that's
16 kind of our concern as we're looking at it is, you
17 know, to your point, are we ever going to do
18 something? And I don't really see the tariff as
19 that. I see the prices continuing to come down and
20 us saying, okay, now we should pull the trigger
21 because it's cost effective more we do it now than
22 waiting. And that's part of the analysis we looked
23 at.

24 **Q. So then my question to follow up to**
25 **that then is, are you able to determine based upon**

1 the historical trajectory of the prices of the
2 technology, are you able to estimate a point at
3 which the price will be where you think it should
4 be to make it most cost effective to pull the
5 trigger?

6 A. Yes and no. And I say that because,
7 you know, you can never predict what the absolute
8 floor is going to be, but we're confident that as
9 we look out the next two or three years, that I
10 think when we get to that time frame, we'll know.
11 And right now it's telling us to wait, and next
12 year it might tell us, oh, we are at that point.

13 But as we're looking out from today,
14 and we're really focused on, you know, the kind of
15 implementation period, right. I mean, you have
16 kind of short-term price views versus longer term.
17 So I think there will be a point in which we can
18 make that decision. We're just not there yet.

19 Q. But it sounds like you're saying it
20 could be a maximum of three years?

21 A. It could be sooner than that, too,
22 because every year that we're updating this, we're
23 talking with vendors and we're asking them what
24 their price levels are. And again, from a cost
25 effectiveness standpoint, we're going to see that,

1 but we're also -- in the report, it's actually a
2 very interesting report. I hope you get a chance
3 to take a look at it. We've also addressed some
4 other things that we kind of see as barriers.

5 So, for example, as we think about
6 energy efficiency and carbon rules, there's a
7 question of if the utility is going through these
8 efforts to achieve these energy savings, don't we
9 want to make sure we do it in a way that we can
10 count towards those efforts.

11 **Q. That was my question. Are you**
12 **able -- because I know the energy -- I mean, the**
13 **reason I'm interested in the LED streetlighting is**
14 **because of how efficient the technology is. To the**
15 **extent that you're able to capture reduced carbon**
16 **emissions, it makes sense that you should be able**
17 **to get credit for that. Are you able to measure**
18 **and quantify the emission reductions that are**
19 **possible?**

20 A. Oh, absolutely. The tricky part with
21 that, Chairman, is that I don't know the rules on
22 how -- right now streetlighting is thought of as
23 utility infrastructure, even though we sell it as a
24 retail service but it's not metered. So in my
25 mind, it falls into a little bit of gray area in

1 terms of how we think about it with energy
2 efficiency.

3 So as we look at, you know, the EPA's
4 rules and the framework of MEEIA, I think it makes
5 a lot of sense for us to try to make it fit. And
6 right it's kind of an oddball because of it being
7 utility-owned lights, but it's retail service to a
8 customer that's not metered. It's kind of in a bit
9 of a gray area, in my view.

10 Q. I would suggest that if you're able
11 to quantify the avoided carbon emissions, then you
12 should do that and put that in whatever report
13 comes next.

14 A. Okay.

15 Q. Because whether it's utility
16 infrastructure or whether it's retail service, if
17 you can quantify and measure the avoided carbon
18 emissions, that can only help in terms of
19 compliance with any -- with the Clean Power Plan.

20 A. Sure.

21 Q. If that isn't something that's in
22 your report, and if we need to order it to get it
23 in there, perhaps maybe we can work on some
24 language that will say that in your future reports
25 you will estimate and quantify the estimated

1 **carbon, avoided carbon emissions.**

2 A. I don't have a problem with that. I
3 think what I heard earlier was that we're going to
4 memorialize this in an agreement. As a part of
5 that, we can just include the fact that we'll just
6 include the --

7 **Q. You're probably getting nervous at**
8 **your commitments.**

9 A. Well, I'm the one that has to do the
10 work.

11 MS. TATRO: He's the one that does
12 the work. He's okay with it.

13 THE WITNESS: And we have the
14 megawatt hour savings in there anyway. It's just a
15 matter of translating it into a different unit.

16 COMMISSIONER W. KENNEY: I'm just
17 surprised your attorney didn't grill you, are you a
18 manufacturer of lights? How do you know anything
19 about lights, when the price is coming down or not?

20 THE WITNESS: Well, what we do is we
21 take a look at -- you know, we're out talking to
22 vendors when they sell lights. We're also looking
23 at what EPA --

24 CHAIRMAN W. KENNEY: Have you ever
25 worked for a lighting company?

1 THE WITNESS: No, I have not.

2 COMMISSIONER W. KENNEY: Have you
3 ever manufactured, have you ever built bulbs?

4 THE WITNESS: No, I have not.

5 COMMISSIONER W. KENNEY: Okay. Don't
6 talk to me.

7 BY CHAIRMAN KENNEY:

8 Q. But EPRI has a lighting lab where
9 they study all this stuff, right?

10 A. Yeah. In fact, we actually did a
11 project with EPRI, and as a part of that project --
12 and that project's over. As a part of that study,
13 what they were really measuring was the -- I mean,
14 they were looking at, gosh, I'm going to say the
15 word wrong, but the light quality and the type of
16 light to make sure that it was, you know, providing
17 the amount -- the right amount of light given pole
18 spacing and those other issues.

19 So that particular study didn't
20 assess the cost effectiveness, which is now what
21 our study is layering on top of it. It was all
22 about the quality of lighting.

23 CHAIRMAN KENNEY: I'm good. I
24 appreciate your time.

25 JUDGE WOODRUFF: Any other questions

1 for Mr. Davis?

2 COMMISSIONER W. KENNEY: I made my
3 statement.

4 COMMISSIONER HALL: I have no
5 questions. Thank you.

6 JUDGE WOODRUFF: Commissioner Rupp?

7 COMMISSIONER RUPP: I concur.

8 JUDGE WOODRUFF: I'll give the other
9 parties a chance to recross based on those
10 questions if anybody wants to, or redirect.

11 MR. OPITZ: No.

12 MS. TATRO: No, thank you.

13 JUDGE WOODRUFF: All right then. You
14 can step down.

15 (Witness excused.)

16 JUDGE WOODRUFF: All right. Then
17 tomorrow will be the streetlighting and the
18 supplemental services, which I believe is Rider E.
19 And is someone going to take the ball and try and
20 determine whether we need to be here on Friday?

21 MS. TATRO: I'll contact
22 Mr. Robertson again. I've been in contact with
23 him. I'll try to reach him again. I think what he
24 told me yesterday is that they're bringing in a
25 different attorney who doesn't get in until late

1 tomorrow. I think that's why it's still on Friday.

2 JUDGE WOODRUFF: That's fine.

3 MS. TATRO: I'd like to go home
4 Friday, too.

5 JUDGE WOODRUFF: I'm sure you would.

6 Okay. Then that ends the proceedings for today.

7 We'll resume tomorrow at 9 a.m.

8 (WHEREUPON, the hearing was recessed
9 at 3:08 p.m.)

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REVENUE ALLOCATION AND RATE DESIGN

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kellene K. Feddersen, Certified
Shorthand Reporter with the firm of Midwest
Litigation Services, do hereby certify that I was
personally present at the proceedings had in the
above-entitled cause at the time and place set
forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had;
and that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such
time and place.

Given at my office in the City of
Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR

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