

Exhibit No: \_\_\_\_\_

Issue(s): Energy Bill Affordability  
Disparate impact of disconnections  
TOU plans

Sponsoring Party: Consumers Council of Missouri

**REBUTTAL TESTIMONY OF**  
**JACQUELINE A. HUTCHINSON**

**Case No. ER-2022-0337**

Filed: February 15, 2023

1           **Q. PLEASE STATE YOUR NAME, OCCUPATION, AND BUSINESS**  
2           **ADDRESS.**

3           A. My name is Jacqueline A. Hutchinson, and I am the Director of Advocacy for the  
4           Consumers Council of Missouri, located at 3407 S. Jefferson St. Louis MO 63118.

5           **Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?**

6           A. I have a BS degree in Business Administration from Washington University in St.  
7           Louis, and a MS degree in Urban Affairs and Policy Analysis, from Southern Illinois  
8           University in Edwardsville, IL. Over my career, I have participated in numerous  
9           educational seminars and conferences focusing on utility issues and how those issues  
10          impact consumers, particularly vulnerable consumers.

11          **Q. WHAT IS YOUR WORK EXPERIENCE?**

12          A. My career spans more than forty years with Community Action Agencies  
13          (“CAA’s”) in the state of Missouri, and. I have been responsible for implementation of  
14          Federal, State, and private donation fuel assistance and homeless prevention programs in  
15          the St. Louis area. Those programs include Low-Income Home Energy Assistance  
16          Programs (“LIHEAP”) and Community Services Block Grant (“CSBG”) programs in the  
17          St. Louis area.

18          I have also been actively involved in energy policy issues and advocacy for low-income  
19          consumers on a local, state, and national level for more than 30 years. I have provided

1 testimony in almost every Missouri Public Service Commission (“Commission” or  
2 “PSC”) general rate case impacting the St. Louis area since the 1980’s.

3 **Q. ARE YOU THE SAME JACQUELINE HUTCHINSON WHO PROVIDED**  
4 **DIRECT TESTIMONY IN THIS CASE?**

5 A. Yes, I provided Direct Testimony in this case.

6 **Q. FOR WHOM ARE YOU PROVIDING TESTIMONY IN THIS PROCEDURE?**

7 A. The Consumers Council of Missouri (“Consumers Council”), a nonpartisan,  
8 nonprofit corporation that is dedicated to educating and empowering consumers statewide  
9 and to advocating for their interests. After serving several years as Board President, I  
10 assumed the role of Executive Director of the organization in 2020, and I now serve as  
11 the Director of Advocacy.

12 **Q. WHAT COMMENTS DO YOU OFFER TO THE TESTIMONY OF**  
13 **GEOFF MARKE, OPC – SECTION IX OF HIS DIRECT TESTIMONY?**

14 A. I generally concur with the direct testimony of Geoff Marke, OPC, pages 26-31.  
15 However, there are two areas where his recommendations differ from Consumers  
16 Council’s position, as included in my direct testimony:

- 17
- On page 31, line 7 of his direct testimony, Dr. Marke recommends increasing the  
18 Keeping Cool amount seniors receive to \$50 per month; Consumers Council’s  
19 position is that the increase should be \$75 per month.

- 1           • On page 31, line 24, Dr. Marke recommends an increase to the Keeping  
2           Cool/Keeping Current budget of \$250K or \$125K apiece shareholder/ratepayer,  
3           while I request an increase in funding of \$1 million. Consumers Council's  
4           recommendation would allow adequate funding for expansion of the Keeping  
5           Cool/Keeping Current program to include additional customers with high energy  
6           burdens who have not previously had access to this program. This would also  
7           allow customers participating in the Critical Needs and Rehousing programs to  
8           enroll in the Keeping Cool/Keeping Current program.

9           **Q. WHAT COMMENTS DO YOU OFFER TO SECTION II OF DR. MARKE'S,**  
10           **DIRECT TESTIMONY?**

11           A. I concur with Dr. Marke that the Company's proposed rate increase will  
12           negatively impact Ameren's residential customers, particularly those already struggling  
13           to make ends meet. In fact, as demonstrated below and in my direct testimony in this  
14           proceeding, Ameren's low-income customers already struggle to afford and retain  
15           essential electric service.

16  
17

18           **Q. WHAT EVIDENCE DO YOU PRESENT TO SUPPORT YOUR**  
19           **STATEMENT REGARDING SERVICE AFFORDABILITY AND RETENTION**  
20           **OF SERVICE?**

1           A.     Ameren’s responses to Consumers Council’s data requests indicate that there  
2           were over 42,000 disconnections of electric service for non-payment from January 2019  
3           through November 2022.<sup>1</sup> Disconnections for non-payment are a strong indicator of  
4           affordability challenges as most customers generally do not opt to lose essential service  
5           and access to lighting, indoor temperature control, refrigeration, and other uses necessary  
6           for the health and safety of their families.

7  
8           **Q.     WHAT DOES THE DISCONNECTIONS DATA DEMONSTRATE?**

9           A.     The disconnections data-driven evidence demonstrates that electric service  
10          disconnections in Ameren’s service territory during the period reported are highly  
11          concentrated in communities of color, in zip codes predominantly populated by African  
12          Americans and other people of color. In fact, customers in the 20 zip codes with the  
13          highest percentage of “non-white” population (“top 20 non-white zip codes”), were twice  
14          as likely to have experienced service disconnection than those in the remaining zip codes  
15          in Ameren’s service territory.<sup>2</sup> This disparity is reflected in the tables below. The first  
16          table reflects the “top 20 non-white zip codes,” and the second table is a summary of each  
17          of the remaining zip codes served by Ameren in Missouri.

18  
19  
20  
21  
22  
23  

---

<sup>1</sup> Ameren responses to CCM 2(n) and CCM 3(t).

<sup>2</sup> Analysis of zip code level disconnections was conducted at my direction by National Consumer Law Center. Data and calculations from this analysis are included in my workpapers.

1  
2  
3

**Electric Service Disconnections by Race:  
Top 20 Non-White Zip Codes**

ZIP	General Residential Accounts	Low-Income Accounts	Total Accounts	General Residential Disconnections 1/19 - 11/22	Low-Income Disconnections 1/19 - 11/22	Total Electric Disconnections 1/19 - 11/22	Disconnections Ratio	Percent Population Non-White
63115	8,005	34	8,040	1,585	83	1,668	0.21	98%
63120	3,293	19	3,312	708	39	747	0.23	98%
63113	5,036	26	5,062	907	38	945	0.19	97%
63106	4,232	28	4,259	564	40	604	0.14	96%
63147	3,993	17	4,010	667	37	704	0.18	94%
63133	3,048	16	3,064	398	9	407	0.13	93%
63107	4,460	23	4,483	890	42	932	0.21	92%
63136	19,353	74	19,427	2,523	116	2,639	0.14	91%
63121	10,791	33	10,824	1,185	50	1,235	0.11	85%
63112	10,409	28	10,437	1,087	37	1,124	0.11	79%
63137	8,171	31	8,202	950	35	985	0.12	77%
63138	8,871	28	8,899	1,085	48	1,133	0.13	77%
63134	5,513	20	5,532	521	32	553	0.1	67%
63033	18,289	32	18,321	705	18	723	0.04	62%
63135	8,701	27	8,728	779	29	808	0.09	62%
63118	13,226	44	13,271	1,372	57	1,429	0.11	61%
63102	1,819	2	1,822	82	1	83	0.05	58%
63034	7,343	7	7,351	102	3	105	0.01	57%
63104	11,593	23	11,616	535	39	574	0.05	51%
63103	5,521	11	5,533	386	14	400	0.07	50%
							0.121 Average	77.3% Average

4  
5  
6  
7  
8  
9

**Electric Service Disconnections by Race:  
Summary of Remaining Zip Codes**

ZIP	General Residential Accounts	Low-Income Accounts	Total Accounts	General Residential Disconnections 1/19 - 11/22	Low-Income Disconnections 1/19 - 11/22	Total Electric Disconnections 1/19 - 11/22	Disconnections Ratio	Percent Population Non-White
	841,900	1,255	843,153	23,993	1,077	25,070	0.059	8.6%
	Total	Total	Total	Total	Total	Total	Average	Average

10  
11

1 The tables above show that the “disconnections ratio”<sup>3</sup> in the “top 20 non-white zip codes”  
2 averaged .121, while the ratio in the remaining zip codes ranged from averaged .059. In  
3 the top 20 zip codes, the population of color averaged over 77%, while that of the  
4 remaining zip codes averaged about 9%.<sup>4</sup> The disparities are stark and warrant enhanced,  
5 targeted programs and policies to help ensure affordability and retained access to electricity  
6 service. These findings and their unequivocal racial equity ramifications place added  
7 emphasis on the need for enhanced utility bill affordability in Ameren’s service territory.  
8 Reversing the inequities that are ‘baked into’ the existing home energy security landscape  
9 requires purposive corrective action.

10  
11 **Q. DO YOU HAVE OTHER REBUTTAL COMMENTS?**

12 A. Yes, I would like to provide comments to the testimony of Contessa King.

13 Consumers Council concurs with the direct testimony of Staff witness Contessa King,  
14 pages 4-8, related to the Ameren practice of using a pre-filled-in check box to enroll  
15 customers in paperless billing. This practice began in 2022 and requires customers to  
16 “Opt Out” of paperless billing. Consumers Council believes that “Opt Out” tactics should  
17 be eliminated and customers should be allowed to give informed consent prior to  
18 switching from paper to paperless billing. I concur with Ms. King that “Missouri should  
19 stop the practice of pre-checking the enrollment box and allow customers to voluntarily

---

<sup>3</sup> The disconnections ratio for each zip code was calculated as the sum of disconnections from January 2019 through November 2022 divided by the average number of all residential accounts served over that period.

<sup>4</sup> Data reflecting population by race was drawn from the 2010 Decennial Census. Zip code level data from the 2020 Decennial Census is not yet available.

1 check the box for paperless billing enrollment, if interested. This approach would help  
2 ensure that customers interacting with Ameren Missouri's website and Mobile App do  
3 not inadvertently request electronic bills."

4 Further, Consumers Council would oppose any fee structure that would be associated  
5 with making customers who use paper billing pay more. Many customers do not have the  
6 capacity or means to enroll in electronic billing.

7  
8 **Q. DO YOU HAVE OTHER REBUTTAL COMMENTS REGARDING TIME OF**  
9 **USE RATE PLANS?**

10 A. Yes, I would like to provide comments to the direct testimony of Ameren  
11 Missouri witness Steven M. Wills. On page 7, line 5 – 7 of his direct testimony on rate  
12 design, he states, "The Company now has hundreds of thousands of customers taking  
13 service on TOU rates. The overwhelming majority are on the Evening/Morning Savers  
14 rate as a result of customers defaulting to that rate six months after receiving their AMI  
15 meter."

16  
17 Consumers Council recommends elimination of the utility's policy of signing up  
18 customers to a time-of-use (TOU) plan using "Opt-Out" tactics. Customers should  
19 receive adequate education to allow them to give informed consent (or Opt-In), and not  
20 be defaulted into TOU programs. Based on my years of experience working with  
21 vulnerable customers, this practice has the potential to cause increased cost to those who  
22 can least afford it. At particular risk are seniors, families with children under five, and



1 those with medical need for air conditioning. Shifting these customers to a potentially  
2 higher rate without their knowledge, with suggestions that they should not using their air  
3 conditioning during the hottest part of the day, could lead to increased health risks to  
4 those customers.

5 Consumers Council also believes, based on conversations with customers, that the  
6 customer education that is done prior to switching customers to a TOU plan is not  
7 adequate or understandable. Requiring an Opt-In system would require Ameren to  
8 redesign its ineffective communication strategy and assure that all customers have a clear  
9 understanding of the impact and risks of each TOU category prior to making a decision to  
10 switch.

11 On page 10, line 11 – 21, of Mr. Wills direct testimony, Mr. Wills states, “The  
12 Company is developing a customer research plan and also exploring analytics to  
13 understand the experience of those who have been introduced to TOU rates. This fall,  
14 after customers on a TOU rate have completed a full winter and summer period, we  
15 will execute our customer research plan, which is currently under development. This may  
16 include surveys, focus groups, interviews, or a variety of other means to collect and  
17 analyze feedback from customers. This research is expected to provide insights regarding  
18 customers' experiences with TOU rates, including their perceptions around whether and  
19 how much they are saving money, their motivations for participation in their rate plan,  
20 what they are doing to manage their usage and reduce their bill, and more.”

21

1 Consumers Council concurs that this study is needed, however, we think it imperative  
2 that this study be conducted by a third-party research company with experience  
3 developing and implementing studies and methodology that reaches varied customer  
4 populations. This study must focus on seniors, vulnerable customers, low-income  
5 families, and marginalized communities. We further recommend that this study, and all  
6 TOU studies implemented by Ameren, should utilize the existing Ameren Keeping  
7 Current collaborative members to make recommendations and to approve the third-party  
8 contract.

9

10 **Q. DOES THIS END YOUR TESTIMONY?**

11 A. Yes.

12

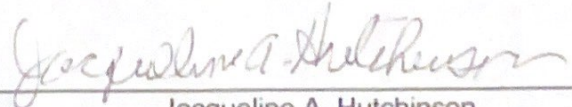
**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company            )  
d/b/a Ameren Missouri's Tariffs to Adjust its        )  
Revenues for Electric Service.                    )        Case No. ER-2022-0337

**AFFIDAVIT OF JACQUELINE A. HUTCHINSON**

I, the undersigned, being duly sworn, states that my name is Jacqueline A. Hutchinson and that the foregoing Rebuttal Testimony of Jacqueline A. Hutchinson, including attachments, was prepared by me on behalf of the Consumers Council of Missouri. This testimony was prepared in written form for the purpose of its introduction into evidence in the above utility case at the Missouri Public Service Commission.

I hereby swear and affirm that the attached testimony is true and correct to my best knowledge, information, and belief, and I adopt said testimony as if it were given under oath in a formal hearing.

  
\_\_\_\_\_  
Jacqueline A. Hutchinson

Subscribed before me on this   8th   day of February, 2023:





02/08/2023