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3. In prior Commission cases, Ameren Missouri filed: (i) a certified copy of the Company's Articles of Incorporation (File No. EA-87-105); (ii) a copy of its fictitious name registrations (File Nos. GN-2011-0070 and EN-2011-0069); and (iii) a copy of its Certificate of Corporate Good Standing (File No. EA-2018-0202). As authorized by 4 CSR 240-2.060(1)(G), those documents are incorporated by reference and made a part of this application for all purposes.

4. The Company has no overdue Commission annual reports or assessment fees, and has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this application. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates.

5. In accordance with 4 CSR 240-4.017(1), on February 1, 2018, the Company filed written notice of its intent to file this application. More than 60 days, but not more than 180 days, have elapsed since that notice.

## II. THE MEEIA 2019-24 FILING

6. The MEEIA 2019-24 Plan is Ameren Missouri's third Missouri Energy Efficiency Investment Act ("MEEIA")-related program filing. The Commission approved the Company's current program in its *Order Approving Non-Unanimous Stipulation and Agreement* issued February 10, 2016, in File No. EO-2015-0055. The portfolio of demand-side programs approved in that case will expire February 28, 2019.

7. The MEEIA 2019-24 Plan is reflected in a report (including appendices) entitled *Ameren Missouri 2019-24 MEEIA Energy Efficiency Plan* ("Report"), which explains all aspects of the Company's proposal to operate demand-side programs under MEEIA. The Report is similar in format to reports the Commission Staff routinely files in general rate cases, in that it includes the equivalent of testimony and schedules supported by an affidavit from the Company's subject matter expert. And, as with Ameren Missouri's two previous MEEIA plans, Commission approval of programs and processes proposed in this application is required before implementation can occur.

8. The MEEIA 2019-24 Plan is designed to accomplish two primary objectives. First, it establishes or continues energy efficiency programs that encourage Ameren Missouri's customers to use energy more efficiently by creating, sustaining, or enhancing incentives for them to do so. Second, it provides a process that ensures timely cost recovery for the Company of all reasonable and prudent costs of delivering cost-effective demand-side programs, that the Company's interests are aligned with customer's interests in doing so, and that the Company is afforded a reasonable earnings opportunity, all as required by MEEIA. The four key elements of the MEEIA 2019-24 Plan are as follows:

- A Six-Year Term<sup>1</sup> – Unlike in its past MEEIA plan filings, Ameren Missouri seeks approval of its portfolio of demand-side programs for a six-year term commencing March 1, 2019, and ending December 31, 2024. Although twice as long as the Commission has approved in the past, a six-year term will enable the Company to develop longer-term energy efficiency-related relationships with customers and thereby achieve greater energy savings. In addition, with next generation capacity need further in the future than was expected when the Company's last MEEIA filing was made, a longer implementation period as compared to the Company's first two MEEIA program cycles allows the Company to more effectively defer future long-term supply-side and delivery resource needs. Ameren Missouri has proposed an Integrated Resource Plan-based check-in process in 2020 to manage potentially significant changes in circumstances that could warrant changes to the MEEIA 2019-24 program budgets, energy and/or demand targets, or the earnings opportunity.
- Expansion of the Demand-Side Portfolio – The MEEIA 2019-24 Plan proposes significant increases in both the number and scope of Ameren Missouri's portfolio of demand-side programs and the projected energy savings those programs will produce.
- New Demand Response Programs – The MEEIA 2019-24 Plan proposes two new demand response programs: one for residential customers and one for business customers. The Residential Demand Response Program will use smart thermostats to reduce peak demand and the Company expects to be able to enroll over 140,000

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<sup>1</sup> The Plan would actually operate just under six years (5 years and 10 months) since it would begin March 1, 2019.

customers by the end of 2024. The Residential Demand Response Program will use a program administrator while the Business Demand Response Program will retain an aggregator. The aggregator will recruit and pay incentives to Ameren Missouri's participating business customers, with Ameren Missouri to bid those demand savings into the energy market.

- Revised DSIM – Although similar in structure to the Company's current DSIM, the DSIM proposed in the MEEIA 2019-24 Plan has been updated to reflect changes in the Commission's rules, new portfolio characteristics, new avoided costs, and new margin rates.

9. The MEEIA 2019-24 Plan includes exemplar tariff sheets demonstrating the implementation of the proposed portfolio of demand-side programs, which will be replaced with final compliance tariffs after the Plan is approved. Among their other features, those tariff sheets are designed to provide Ameren Missouri the flexibility it needs to modify and improve each proposed program to reflect changes in the marketplace. For example, the tariffs allow the Company to seek changes in incentives payable to customers if customer participation in one or more programs is less than expected. Allowing such flexibility is critical to providing demand-side programs that are, and remain truly cost-effective, and is like the flexibility reflected in Ameren Missouri's currently effective MEEIA 2016-18 program tariffs.

10. Although Ameren Missouri expects this case to conclude no later than sometime early in the fourth quarter of 2018, the Company will require several months after the Commission issues a final order to ramp-up infrastructure necessary to implement approved programs. The schedule recommended in Section IV of this application represents a balance of providing parties

enough time to fully respond to the Plan, while also providing enough time after Commission approval to implement the Plan.

### III. REQUEST FOR WAIVERS OR VARIANCES

11. In order to implement the DSIM and the portfolio of demand-side programs proposed in its MEEIA 2019-24 Plan, Ameren Missouri will require waivers or variances from certain Commission rules. Therefore, in accordance with 4 CSR 240-20.094(11), the Company seeks waivers or variances from 4 CSR 240-20.094(4)(I)3 and 4 CSR 240-20.094(2), and in accordance with 4 CSR 240-14.010(2) seeks a waiver or variance from 4 CSR 240-14.030(3).<sup>2</sup> In addition, because of the interrelationship between the MEEIA 2019-24 Plan and filings that will be due under Chapter 22 of the Commission's rules, in accordance with 4 CSR 240-22.080(13), Ameren Missouri also seeks waivers or variances from 4 CSR 240-22.080(1) and 4 CSR 240-22.080(3)(B). The reasons Ameren Missouri requires each of these waivers or variances are as follows:

A. Waiver/Variance Related to IRP Integration: Rule 4 CSR 240-20.094(4)(I)3 states, in relevant part, the Commission can approve demand-side programs or program plans that it finds have met the filing and submission requirements of the MEEIA rules and “[a]re included in the electric utility’s preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side program and program plans on the net present value of revenue requirements of the electric utility.” While the 2017 IRP preferred resource plan does include analyses of demand-side resource options, those analyses were based

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<sup>2</sup> Waivers of the requirements of 4 CSR 240-20.094(4)(I)3 (formerly 4 CSR 240-20.094(3)(A)3)), 4 CSR 240-094(2), and 4 CSR 240-14.030(3), on similar or even the same bases, were previously requested in the *Non-Unanimous Stipulation and Agreement* submitted in Ameren Missouri's MEEIA Cycle 2 Plan (File No. EO-2015-0055) on February 5, 2016, and were approved through the Commission's *Order Approving Non-Unanimous Stipulation and Agreement* issued February 10, 2016.

on the best information available at that time. That said, MEEIA 2019-24 budgets are 40% lower than those assumed in the 2017 IRP preferred resource plan and the savings remain very close to those utilized in the 2017 IRP preferred resource plan. Good cause for this waiver exists because requiring the revision of the 2017 IRP preferred resource plan analyses to accommodate this filing, when there would be a positive, and not a negative, substantive impact on that preferred resource plan, does not warrant the time and effort that would be required to complete that revision.

B. Waiver/Variance Related to Annual Energy and Demand Savings Goals: Rule 4 CSR 240-20.094(2) prescribes guidelines to review progress toward the expectation an electric utility's demand-side programs can achieve a goal of overall cost-effective demand-side savings. However, the rule expressly states that the prescribed guidelines are not mandatory and no penalty or other adverse consequence will result if a utility is unable to achieve annual savings goals specified in those guidelines. To eliminate any confusion regarding whether Ameren Missouri's MEEIA 2019-24 programs are required to meet those "soft" goals related to kWh and kW load reductions, the Company seeks a waiver of this rule. Alternatively, the Commission could include a statement in its final order approving the MEEIA 2019-24 Plan that Ameren Missouri will not be penalized in any way if it fails to meet goals expressed in the rule's guidelines.

C. Waiver/Variance Related to Promotional Practices: Rule 4 CSR 240-14.030(3) states, in relevant part, an electric utility is prohibited from implementing any new promotional practice until after a tariff related to that practice has been filed with the Commission. The MEEIA 2019-24 Plan anticipates the Company will be required to change certain elements of its promotional practices – most notably incentive payments – to reflect marketplace changes. Requiring Ameren Missouri to file tariffs before such changes can be implemented would be burdensome and would prevent the Company from quickly addressing conditions the promotional

practice changes were designed to address. A waiver of this rule is necessary to give Ameren Missouri administrative flexibility necessary to timely address marketplace changes so its MEEIA 2019-24 plan can achieve its objective of reducing energy use and demand as cost-effectively as possible.

D. Waiver/Variance of Triennial and Annual Update Filing Dates: Under 4 CSR 240-22.080(1), Ameren Missouri must make its next triennial IRP compliance filing by April 1, 2020. However, the MEEIA 2019-24 Plan includes an IRP check-in process and, in order for that process to be effective, adequate time is needed to reflect up-to-date changes in business and market conditions in the 2020 IRP in order to be meaningful enough to make decisions about potential MEEIA 2019-24 changes that would start in 2022. Therefore, Ameren Missouri requests a waiver of 4 CSR 240-22.080(1) so it can defer its next triennial IRP filing until October 1, 2020 (which will be three years after its last triennial IRP was filed). And because annual update filings required by 4 CSR 240-22.080(3)(B) are tied to the triennial filing date, the Company also seeks a waiver of that rule that would allow deferral of annual filings in 2021 and 2022 until October 1<sup>st</sup> of each of those years.

#### **IV. PROPOSED PROCEDURAL SCHEDULE AND PROCEDURAL REQUIREMENTS**

12. To enable the Commission and interested parties time to fully consider the MEEIA 2019-24 Plan and still complete that review so Ameren Missouri can implement an approved plan by March 1, 2019, the Company recommends the Commission adopt the following procedural schedule and procedural requirements for this case:

<b>EVENT</b>	<b>DATE</b>
Filing Date	June 4, 2018
Rebuttal Testimony	July 13, 2018
Surrebuttal/Cross-Surrebuttal Testimony	August 10, 2018
Last Day to Request Discovery <sup>3</sup>	August 17, 2018
List of Issues, List of Witnesses, and Order of Cross-Examination	August 17, 2018
Position Statements	August 21, 2018
Evidentiary Hearing	August 28 – 31, 2018
Initial Post-Hearing Briefs	September 25, 2018
Reply Briefs	October 9, 2018
Requested Order	October 31, 2018

### **Proposed Procedural Requirements**

- (a) For rebuttal and surrebuttal/cross-surrebuttal testimony, all parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set

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<sup>3</sup> By issuing Data Requests or other written discovery requests, subpoenas, or the last date by which a deposition may be taken.

forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

- (e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not already exist in electronic format into electronic format for purposes of exchanging.
- (g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via e-mail.
- (h) Counsel for each party shall receive electronically from all other parties serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Also regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

- (i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (j) The response time for all data requests shall be fifteen (15) days, with five (5) business days to object or notify the requesting party that more than fifteen (15) days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (l) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- (m) Commission Rule 4 CSR 2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.

Ameren Missouri also proposes to hold technical conferences as necessary with Staff, the Office of the Public Counsel, and any other interested party wishing to participate, commencing the week of June 19, 2018, and continue those conferences for whatever period necessary, prior to the hearing date, as long as participants believe that they are worthwhile. In order to identify parties who may wish to participate in those weekly conferences, the Company requests the Commission set a short intervention deadline and early prehearing conference in this case.

WHEREFORE, Ameren Missouri requests the Commission approve the DSIM and the MEEIA 2019-24 Plan, and grant the waivers or variances requested in this application.

Respectfully submitted,

/s/ Paula N. Johnson

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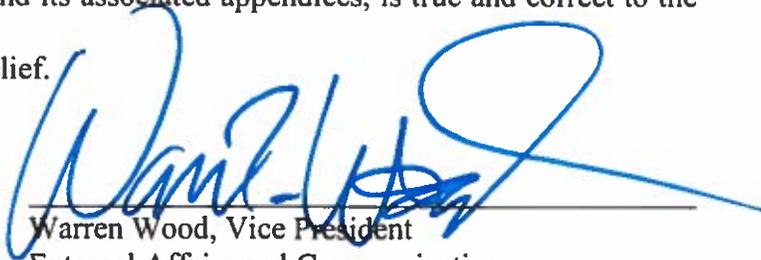
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Staff of the Commission and the Office of the Public Counsel on this via electronic mail (e-mail) on this 4<sup>th</sup> day of June, 2018.

/s/ Paula N. Johnson  
Paula N. Johnson

**VERIFICATION**

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Application to Approve DSIM and Demand-Side Management Portfolio and Plan, Request for Variances, and Motion to Adopt Procedural Schedule*, including the associated *Ameren Missouri 2019-24 MEEIA Energy Efficiency Plan* and its associated appendices, is true and correct to the best of his knowledge, information, and belief.



Warren Wood, Vice President  
External Affairs and Communications  
Union Electric Company d/b/a Ameren Missouri

Subscribed and sworn before me this 31<sup>st</sup> day of May, 2018.



Notary Public

