

Exhibit No.:
Issues: Tariff Issues
Witness: Michelle A. Bocklage
Sponsoring Party: MO PSC Staff
Type of Exhibit: Surrebuttal Testimony
File No.: EO-2012-0142
Date Testimony Prepared: May 4, 2012

MISSOURI PUBLIC SERVICE COMMISSION

REGULATORY REVIEW DIVISION

SURREBUTTAL TESTIMONY

OF

MICHELLE A. BOCKLAGE

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

FILE NO. EO-2012-0142

*Jefferson City, Missouri
May 2012*

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

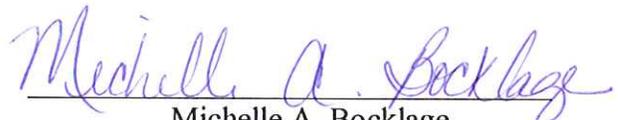
In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Filing to)
Implement Regulatory Changes)
Furtherance of Energy Efficiency as)
allowed by MEEIA)

Case No. EO-2012-0142

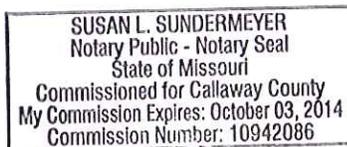
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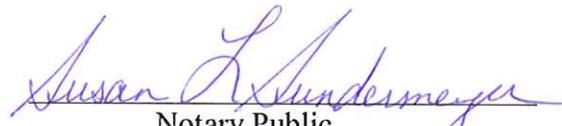
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Michelle A. Bocklage, of lawful age, on her oath states: that she has participated in the preparation of the following Surrebuttal Testimony in question and answer form, consisting of 5 pages of Surrebuttal Testimony to be presented in the above case, that the answers in the following Surrebuttal Testimony were given by her; that she has knowledge of the matters set forth in such answers; and that such matters are true to the best of her knowledge and belief.


Michelle A. Bocklage

Subscribed and sworn to before me this 3rd day of May, 2012.




Notary Public

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SURREBUTTAL TESTIMONY

OF

MICHELLE A. BOCKLAGE

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

FILE NO. EO-2012-0142

13 Q. Please state your name and business address.

14 A. My name is Michelle A. Bocklage, and my business address is Missouri Public
15 Service Commission, P. O. Box 360, Jefferson City, Missouri 65102.

16 Q. What is your present position at the Missouri Public Service Commission
17 (“Commission”)?

18 A. I am a Rate & Tariff Examiner II in the Energy Unit of the Regulatory Review
19 Division of the Commission Staff (“Staff”).

20 Q. Are you the same Michelle A. Bocklage that filed rebuttal testimony in this
21 case on April 13, 2012?

22 A. Yes, I am.

23 Q. Would you please summarize the purpose of your surrebuttal testimony?

24 A. I provide Staff’s response to the rebuttal testimony of NRDC, Sierra Club and
25 Renew Missouri (“NRDC”) witness Philip Mosenthal that supports Ameren Missouri’s
26 (“Ameren Missouri” or “Company”) requested program design flexibility,¹ and I state Staff’s
support of the recommendation in the rebuttal testimony of the Office of the Public Counsel

¹ Page 62 of Ameren Missouri’s 2013 – 2015 Energy Efficiency Plan, lines 28 through 32.

1 (“OPC”) witness Ryan Kind that the Commission should require Ameren Missouri to file a
2 pleading seeking for its demand-side programs to be terminated before they are terminated.²

3 **Program Design Flexibility**

4 Q. In Mr. Mosenthal’s rebuttal testimony, he states NRDC’s, Sierra Club’s and
5 Renew Missouri’s support for giving Ameren Missouri “flexibility to modify program
6 designs, add or delete measures promoted or programs delivered, and even shift funds and
7 effort between programs, with some restrictions.”³ Does Staff agree with this degree of
8 flexibility?

9 A. Staff agrees that some flexibility would be beneficial; however, there are
10 specific provisions of the DSM programs that must be identified on the required tariff sheets,
11 as stated in rule 4 CSR 240-3.150(2)(A). Rules 4 CSR 240-3.150(2)(A) and
12 4 CSR 240-14.030(3) clearly outline the filing requirements for Ameren Missouri, and
13 prohibit the level of design and implementation flexibility that Ameren Missouri is requesting.
14 Rule 4 CSR 240-3.150(2)(A) states:

15 The utility shall provide the following information on the tariff sheets:

- 16 1. The name, number or letter designation of the promotional
17 practice;
- 18 2. The class of persons to which the promotional practice is
19 being offered or granted;
- 20 3. Whether the promotional practice is being uniformly offered
21 to all persons within that class;
- 22 4. A description of the promotional practice and a statement of
23 its purpose or objective;
- 24 5. A statement of the terms and conditions governing the
25 promotional practice;
- 26 6. If the promotional practice is offered or granted, in whole or in
27 part, by an affiliate or other person, the identity of the affiliate
28 or person and the nature of their participation; and

² *Rebuttal Testimony of Ryan Kind*, page 22, lines 23 - 27

³ *Rebuttal Testimony of Philip Mosenthal*, page 7, lines 3 – 12

1 7. Other information relevant to a complete understanding of the
2 promotional practice

3 Also, Rule 4 CSR 240-14.030(3) states:

4 The promotional practices of a public utility *shall not vary the rates,*
5 *charges and rules* of the tariff pursuant to which service is rendered to
6 a customer. No new promotional practice which has not been
7 previously filed with the commission shall be made or offered *unless*
8 *first filed on a tariff* with the commission.

9
10 (Emphasis added)

11 If it becomes necessary for Ameren Missouri to modify provisions of the various DSM
12 programs, the Electric Utility Demand-Side Programs Filing and Submission Requirements
13 (Rule 4 CSR 240-3.164(4)) and Demand-Side Programs (Rules 4 CSR 240-20.094(4) and 4
14 CSR 240-20.094(4)(A)) outline the demand-side program modification requirements.

15 Electric Utility Demand-Side Programs Filing and Submission Requirements, Rule
16 4 CSR 240-3.164(4) states:

17 When an electric utility files to modify demand-side programs as
18 described in 4 CSR 240-20.094(4), the electric utility *shall file a*
19 *complete explanation for and documentation of the proposed*
20 *modifications* to each of the filing requirements in section (2).

21
22 (Emphasis added)

23 Demand-Side Programs, Rule 4 CSR 240-20.094(4) states:

24 ...an electric utility shall file an application with the commission for
25 modification of demand-side programs by filing information and
26 documentation required by 4 CSR 240-3.164(4) when there is a
27 variance of twenty percent (20%) or more in the approved demand-
28 side plan three (3)-year budget and/or any *program design*
29 *modification which is no longer covered by the approved tariff sheets*
30 *for the program.* The commission shall approve, approve with
31 modification acceptable to the electric utility, or reject such
32 applications for approval of modification of demand-side programs
33 within thirty (30) days of the filing of an application under this

1 section, subject to the same guidelines as established in subsections
2 (3)(A) through (C), only after providing the opportunity for a hearing.

3
4 (Emphasis added)

5 If the Commission were to approve future proposed demand-side program
6 modifications, Ameren Missouri would at that time be required to file and receive approval of
7 tariff sheets outlining the proposed changes to the specific demand-side program. Staff will
8 process tariff sheet revisions as expeditiously as possible. If circumstances warrant, Ameren
9 Missouri can also request expedited treatment which could allow proposed tariff sheet
10 revisions to occur on less than thirty (30) days' notice for good cause shown. Ameren
11 Missouri can also help expedite the review process by informing Staff of potential changes in
12 advance of filing the revisions with the Commission.

13 Rule 4 CSR 240-20.094(4)(A) states:

14 For any program design modifications approved by the commission,
15 the utility *shall file for and receive approval of associated tariff sheets*
16 *prior to implementation of approved modifications.*

17
18 (Emphasis added)

19 **Terminating Demand-Side Programs**

20 Q. On page 22, lines 23 – 27, of Mr. Kind's rebuttal testimony he states, "Tariffs
21 should only be terminated based on a date certain or by Commission action." Does Staff
22 agree?

23 A. Yes. The process for discontinuing demand-side programs is outlined in Rules
24 4 CSR 240-3.164(5) and 4 CSR 240-20.094(5). Electric Utility Demand-Side Programs
25 Filing and Submission Requirements Rule 4 CSR 240-3.164(5) states:

26 Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section
27 393.1075, RSMo, an electric utility may file an application with the
28 commission to discontinue demand-side programs by filing
29 information and documentation required by 4 CSR 240-3.164(5). The

Surrebuttal Testimony of
Michelle A. Bocklage

1 commission shall approve or reject such applications for
2 discontinuation of utility demand-side programs within thirty (30)
3 days of the filing of an application under this section only after
4 providing an opportunity for a hearing.

5
6 The Applications for Approval to Discontinue Electric Utility Demand-Side Programs,

7 Rule 4 CSR 240-20.094(5) states:

8 Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section
9 393.1075, RSMo, an electric utility may file an application with the
10 commission to discontinue demand-side programs by filing
11 information and documentation required by 4 CSR 240-3.164(5). The
12 commission shall approve or reject such applications for
13 discontinuation of utility demand-side programs within thirty (30)
14 days of the filing of an application under this section only after
15 providing an opportunity for a hearing.

16 The rules and regulations of the Commission require Ameren Missouri to file an
17 application with the Commission prior to discontinuing a demand-side program.

18 In conclusion, since Ameren Missouri did not request a variance from the above-
19 mentioned rules and has shown no good cause for why it should not comply with them, Staff
20 recommends that the Commission deny Ameren Missouri's request for "broad
21 implementation flexibility."⁴ However, as I stated in my rebuttal testimony and above, Staff
22 will work with Ameren Missouri to make timely changes to its demand-side program tariff
23 sheets that will give Ameren Missouri much of the flexibility that it seeks while meeting
24 Commission tariff requirements.

25 Q. Does this conclude your surrebuttal testimony?

26 A. Yes.

⁴ Page 62 of Ameren Missouri's 2013 – 2015 Energy Efficiency Plan, lines 28 through 32