

STATEMENT OF THE ISSUES

(As required by § 386.510 RSMo)

Appellant Public Counsel will raise the following issues on appeal:

1. The Office of the Public Counsel challenges the lawfulness and reasonableness of the Public Service Commission's March 11, 2020, Amended Report and Order for its approval of an energy efficiency program portfolio that does not equally value demand-side and supply-side utility resources contrary to statute.
2. Public Counsel also challenges the lawfulness and reasonableness of the Commission's Order because, by not equally valuing demand and supply-side resources, the Commission approved an energy efficiency portfolio program that does not benefit all customers in their class regardless of whether customers participate in energy efficiency programs or not, contrary to statute.
3. Public Counsel also challenges the lawfulness and reasonableness of the Commission's Order on the basis that the Commission approved the requested energy efficiency portfolio by departing from the statutorily preferred total resource cost test without sufficient justification. The Missouri Energy Efficiency and Investment Act explicitly calls for the preferred use of the total resource cost test to determine cost effectiveness and benefits, but the Commission employed a supposed market-based equivalent standard instead by using unverified savings and using different regulatory rule chapters than those the Commission uses for Missouri Energy Efficiency and Investment Act applications. Moreover, the Commission's independent staff determined that the market-based equivalent approach does not even conclude that the proposed energy efficiency programs are cost effective contrary to the Commission Order's claims.
4. Public Counsel also challenges the lawfulness of the Commission's Order on the grounds that the Commission's Order permits industrial customers that consume larger quantities of electric power to elect not to pay Missouri Energy Efficiency and Investment Act surcharges, while still participating in associated energy efficiency programs, but not extending this privilege to residential customers. This discriminatory treatment compels residential customers to subsidize industrial and other high energy consumers without sufficient legal basis.