

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

In the Matter of Ameren Missouri's)	
2014 Utility Resource Filing)	<u>Case No. EO-2015-0084</u>
Pursuant to 4 CSR 240 – Chapter 22)	

STAFF’S SURREPLY TO REPLY BRIEFS

COMES NOW the Staff of the Missouri Public Service Commission and surreplies to the reply briefs of United for Missouri and Union Electric Company d/b/a Ameren Missouri as follows:

1. In their reply briefs both United for Missouri and Ameren Missouri request for the first time that the Commission acknowledge all or part of Ameren Missouri’s Chapter 22 resource planning filing.

2. Regarding such acknowledgement, the Commission’s rules 4 CSR 240-22.020(1) and 4 CSR 240-22.080(17) respectively provide:

(1) Acknowledgment is an action the commission may take with respect to the officially adopted resource acquisition strategy or any element of the resource acquisition strategy including the preferred resource plan. Acknowledgement means that the commission finds the preferred resource plan, resource acquisition strategy, or the specified element of the resource acquisition strategy to be reasonable at a specific date, typically the date of the filing of the utility’s Chapter 22 compliance filing or the date that acknowledgment is given. Acknowledgment may be given in whole, in part, or not at all. Acknowledgment shall not be construed to mean or constitute a finding as to the prudence, pre-approval, or prior commission authorization of any specific project or group of projects.

and

(17) If the commission finds that the filing achieves substantial compliance with the requirements outlined in section (16), the commission may acknowledge the utility’s preferred resource plan or resource acquisition strategy as reasonable at a specific date. The commission may acknowledge the preferred resource plan or resource acquisition strategy in whole, in part, with exceptions, or not at all. Acknowledgment shall not be construed to mean or constitute a finding as to the prudence,

pre-approval, or prior commission authorization of any specific project or group of projects. In proceedings where the reasonableness of resource acquisitions are considered, consistency with an acknowledged preferred resource plan or resource acquisition strategy may be used as supporting evidence but shall not be considered any more or less relevant than any other piece of evidence in the case. Consistency with an acknowledged preferred resource plan or resource acquisition strategy does not create a rebuttable presumption of prudence and shall not be considered to be dispositive of the issue. Furthermore, in such proceedings, the utility bears the burden of proof that past or proposed actions are consistent with an acknowledged preferred resource plan or resource acquisition strategy and must explain and justify why it took any actions inconsistent with an acknowledged preferred resource plan or resource acquisition strategy.

3. While Staff did not find any deficiencies—failure to comply with the Commission’s Chapter 22 rules—in its limited review of Ameren Missouri’s filing, Staff did have the following significant concerns:

Concerns

C. The incremental annual energy savings expected from Ameren Missouri’s RAP portfolio for its MEEIA Cycle 2 (2016 – 2018) may be vastly underestimated, since the kWh and kWh per \$ savings are less than half the actual achieved levels of kWh and a kWh per \$ during Ameren Missouri’s pre-MEEIA programs (2009 – 2011) and MEEIA Cycle 1 programs to date (2013 – 2014).

D. The incremental and cumulative annual energy savings expected from Ameren Missouri’s RAP portfolio during the long-term planning horizon may be vastly underestimated, since the Ameren Missouri savings are approximately one-half the incremental and cumulative annual energy savings of the IRP RAP portfolios of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company.

4. In light of these Staff concerns, the Commission should not acknowledge any part of Ameren Missouri’s preferred resource plan or resource acquisition strategy as reasonable at any time.

WHEREFORE, the Staff of the Missouri Public Service Commission suggests to the Commission that, due to the concerns Staff raised, the Commission not acknowledge Union Electric Company d/b/a Ameren Missouri's preferred resource plan or resource acquisition strategy as reasonable in any respect.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams
Deputy Staff Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
nathan.williams@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 11th day of September, 2015.

/s/ Nathan Williams