

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

In the Matter of Ameren Missouri's Request)
for Variance from Certain Provisions of) File No. EE-2020-0191
20 CSR 4240-20.065 Regarding Net Metering)
Applications.)

**NOTICE OF CASE, RESPONSE TO NOTICE OF DEFICIENCY,
REQUEST FOR VARIANCE FROM THE 60-DAY NOTICE REQUIREMENT
OF 20 CSR 4240-4.017, AND
AMENDED REQUEST FOR VARIANCE
FROM CERTAIN PROVISIONS OF 20 CSR 4240-20.065**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), pursuant to and in accordance with 20 CSR 4240-2.060, submits this *Notice of Case, Response to Notice of Deficiency, Request for Variance from the 60-Day Notice Requirement of 20 CSR 4240-4.17, and Amended Request for Variance from Certain Provisions of 20 CSR 4240-20.065* ("Application"). In support of its *Application*, Ameren Missouri states as follows:

INTRODUCTION

1. The undersigned apologizes for the deficiencies noted in the original Request for Variance filed on January 3, 2020, and seeks leave to amend the Request to cure all deficiencies.
2. In order to effectuate the requested variances in a timely manner, the Company requests a variance from 20 CSR 4240-4.017, which requires 60 days' notice of case filings. Accordingly, this *Application* is divided into the following sections:

- I. 20 CSR 4240-4.017
- II. 20 CSR 4240-2.060(1), (A) through (M)
- III. 20 CSR 4240-2.060(4), (A) through (C) and Sheet No. 58.5

I. 20 CSR 4240-4.017

3. Ameren Missouri requests a variance from the 60-day notice requirement of 20

CSR 4240-4.017, which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case...

Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case..."¹

As indicated in the Affidavit attached as Appendix 1 to this *Application*, Ameren Missouri has had no communications with the office of the Commission (as defined by 20 CSR 4240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days. Accordingly, Ameren Missouri has established good cause for a waiver from the 60-day requirement of 20 CSR 4240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

II. 20 CSR 4240-2.060(1), (A) through (M)

Paragraph (A) - Applicant

4. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and

¹ Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph (G) – Information Previously Submitted; Paragraph (H) – Character of Business; ²

5. The Company previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105). Ameren Missouri includes a recent Fictitious Name Registration as filed with the Missouri Secretary of State’s Office as Appendix 2 to this *Application*. These documents are incorporated by reference and made a part of this *Application* for all purposes. The Company provides a copy of its Certificate of Corporate Good Standing as Appendix 3 to this *Application*.

Paragraph I – Correspondence and Communication

6. Correspondence and Communication — Correspondence, communications, orders and decisions in regard to this *Application* should be directed to:

Tom Byrne
Senior Director Regulatory Affairs
Ameren Missouri
1901 Chouteau Avenue
MC 1450
St. Louis, MO 63103
(314) 554-2514
TByrne@ameren.com

Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees³

7. The Company has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date 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.

² Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

³ Paragraph (J) does not apply to Ameren Missouri.

The Company has no annual report or assessment fees overdue to this Commission.

Paragraph (M) – Affidavit

8. An Affidavit in support of this *Application* by an authorized individual is included as Appendix 1.

III. 20 CSR 4240-2.060(4), (A) through (C), and Requirements of 20 CSR 4240-20.065(9)(A)

9. 20 CSR 4240-2.060(4) allows a utility to request a variance from Commission rules, tariff provisions, and some statutes. Specifically, to request a variance, a utility must provide the following information:

(A) Specific indication of the statute, rule, or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

Ameren Missouri provides this information in the following paragraphs:

10. Ameren Missouri specifically requests a variance from Section 9(A) of 20 CSR 4240-20.065. Section 9(A) of 20 CSR 4240-20.065 provides that each customer-generator and electric utility must enter into the interconnection agreement included in the regulation, but allows for an electric utility to allow customers to apply electronically through its website using an interconnection application/agreement that is substantially the same as the interconnection application/agreement included in the regulation.

11. In order to obtain information regarding whether an energy storage battery will be included in the potential customer-generator's interconnected facilities, the Company wishes to add a few short questions regarding energy storage batteries to the interconnection application/agreement available on its website. Specifically, the Company desires to add the

following to the application/agreement:

Is there a battery backup?

 

Battery Manufacturer

Battery Model

Battery Information (Please provide additional info if 'Y' is selected for battery backup)

12. This additional information yields at least two benefits. First, the information regarding battery facilities to be added behind a customer's meter will allow confirmation that energy reproduced by a battery will not back-feed onto the Company's distribution networks triggering safety concerns for personnel working on the Company's distribution networks. Second, from an administrative perspective, the battery detail will assist in review of

applications/agreements' plans. If the submitted plan does not include a battery, but the application indicates a battery facility will be incorporated by the customer-generator, the Company can request an accurate (corrected) plan be submitted.

13. Granting this variance, and allowing limited battery detail to be obtained by the Company, will not overly burden customer-generators applying for interconnection and will increase efficiency of the interconnection approval process. Indeed, the technical plans to be submitted to the Company by customer-generators per 20 CSR 4240-20.065(9)(C) must contain the customer-generator's electrical generating system wiring diagram and specifications. To the extent that a customer indicates the connection of a battery on the electrical diagram, but does not include details about the battery, the Company must request that information in order to assess whether the interconnection application may be approved. Creating an opportunity for the customer-generator to provide the information up-front will reduce unnecessary delay in approving said application.

WHEREFORE, having shown good cause for the requested waiver for slight modification of the net metering application, Ameren Missouri respectfully requests the Commission:

- (i) Approve this *Application* and the request for variance from 20 CSR 4240-20.065;
- (ii) Waive the 60-day notice requirement of 20 CSR 4240-4.017, and allow this *Application* to serve as notice of the case filing; and
- (iii) Grant any other relief deemed appropriate by the Commission under the circumstances.

Respectfully submitted,

UNION ELECTRIC COMPANY, d/b/a
Ameren Missouri

/s/ Jermaine Grubbs

Jermaine Grubbs, #68970

Corporate Counsel

Ameren Missouri

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 13th day of January, 2020, to Staff General Counsel and the Office of the Public Counsel.

/s/ Jermaine Grubbs
Jermaine Grubbs