



District consistent with maintaining reliability in the region significantly in advance of the retirement date assumed (2039) in its current Preferred Resource Plan.

3. Under the above-quoted rule, since that determination has rendered its current Preferred Resource Plan inappropriate, Ameren Missouri is to notify the Commission of a new Preferred Plan and the impact of the change on the present value of the revenue requirement and on all other performance measures specified in its last triennial IRP filing, and is to do so within 60-days. In this case, the 60 days runs on February 9, 2022.

4. For several reasons, Ameren Missouri is unable to conduct the necessary analysis to be able to select a new Preferred Plan by February 9, 2022. More specifically, Ameren Missouri cannot complete the analyses needed to determine what the changes to the Preferred Resource Plan and acquisition strategy will need to be, and in turn, cannot complete the analyses needed to determine the impact of changes on the present value of revenue requirement at this time. Moreover, until Ameren Missouri can determine those changes and complete certain analyses, it cannot address all other performance measures specified in its last triennial IRP filing.

5. Foremost among the reasons that more time is needed to perform this work is the fact that the Company is awaiting additional federal district court action. Specifically, Ameren Missouri is awaiting action by the Eastern District court on its request to modify the court's 2019 order that certain pollution control equipment be installed at Rush Island given Ameren Missouri's above-mentioned determination that installation of this equipment would not be in its customers' best interest. Based on that determination, it is anticipated that the Eastern District decision will set an early retirement date for the Company's Rush Island generating plant. The Eastern District's decision will likely depend, in part, on required determinations by the Midcontinent Independent Operator, Inc. ("MISO") regarding the impact of a Rush Island retirement on the region's reliability and regarding possible reliability investments that will need to be made to address those issues.

6. Regardless of the specifics of the Eastern District's decision, Ameren Missouri will need to conduct significant analyses to determine the necessary changes to its Preferred Plan and acquisition strategy, and on the above-referenced performance measures. Ameren Missouri will need to incorporate the impact of a new Illinois law<sup>3</sup> on its ability to operate several natural gas units located in Illinois, and the impact of any federal law changes such as an extension to or expansion of the tax credits applicable to renewable energy. The foregoing changes, taken together, are very significant in terms of Ameren Missouri's overall supply-side resource portfolio and necessitate thoughtful, deliberate, and time-consuming analyses to provide the information contemplated by the Commission's rules when it is determined that a Preferred Plan is no longer appropriate.

7. Given the magnitude of this effort, Ameren Missouri estimates that it will need until mid-July of this year to complete and file the required analyses.

8. For the foregoing reasons, all of which establish good cause for a delay in the timing of the filings required by 20 CSR 4240-22.080(12), Ameren Missouri requests a variance relieving it from the obligation to make these filings within 60 days and instead allow it to make the filings by July 15, 2022.

**REQUEST FOR WAIVER**  
**OF 60-DAY NOTICE REQUIREMENT**

9. 20 CSR 4240-4.017(1) requires a 60-day notice in advance of filing a case, with a “case” being defined as “[a]ny matter filed before the commission for its determination except working dockets, rulemaking dockets, and investigatory dockets.” 20 CSR 4240-4.015(1).

10. The 60-day notice requirement can be waived for good cause shown and the rule itself establishes that good cause in fact exists if the party seeking the waiver files “a verified

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<sup>3</sup> 415 ILCS 5/9.15

declaration . . . that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue<sup>4</sup> likely to be in the case . . .” A verified declaration meeting those requirements is attached to this Request. Consequently, good cause has been established.

**WHEREFORE**, Ameren Missouri requests the Missouri Public Service Commission grant it a variance from the 60-day provision of 20 CSR 4240-22.080(12) and allow it until July 15, 2022 to file the information required by 20 CSR 4240-22.080(12). The Company also requests that the Commission waive the 60-day notice requirement of 20 CSR 4240-4.017(1) relating to its request for a determination of its variance request for good cause shown, as set forth above.

Respectfully submitted,

/s/ **Wendy K. Tatro**

**Wendy K. Tatro**, Bar #60261  
Director and Assistant General Counsel  
Ameren Missouri  
P.O. Box 66149 (MC 1310)  
1901 Chouteau Avenue  
St. Louis, MO 63166-6149  
(T) 314-554-3484  
(F) 314-554-4014  
[AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)

/s/ **James B. Lowery**

**James B. Lowery**, MO Bar #40503  
JBL Law, LLC  
3406 Whitney Ct.  
Columbia, MO 65203  
Telephone: (573) 476-0050  
[lowery@jbllawllc.com](mailto:lowery@jbllawllc.com)

**Attorneys for Union Electric Company  
d/b/a Ameren Missouri**

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<sup>4</sup> The phrase “substantive issue” is defined by 20 CSR 4240-4.015(14).

**VERIFIED DECLARATION**

I hereby declare that neither Ameren Missouri nor any other person on its behalf has had a communication with the office of the Commission regarding any substantive issue likely to be in the case created by this filing within the 150-day period prior to this filing.

Under penalty of perjury, I declare that the foregoing declaration is true and correct to the best of my knowledge and belief.

This 20<sup>th</sup> day of January 2022.

*/s/ Warren Wood*  
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Warren Wood, Vice-President  
Regulatory and Legislative Affairs

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served on the Missouri Public Service Commission Staff and the Office of the Public Counsel via electronic mail (e-mail) or via regular mail on this 20<sup>th</sup> day of January, 2022.

*/s/ Wendy K. Tatro*  
Wendy K. Tatro