

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

In the Matter of Ameren Missouri’s Request for a)
Waiver from Tariff Sheets 146 through 150.) EE-2022-

**REQUEST FOR A WAIVER OF THE PROCEDURE FOUND AT SCHEDULE NO. 6,
TARIFF SHEET NOS. 146 THROUGH 150, WAIVER OF 60-DAY NOTICE IN 20 CSR
4240-4.017(1), AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (Ameren Missouri or Company), and for its *Request for a Waiver of the Procedure Found at Schedule No. 6, Tariff Sheet Nos. 146 through 150, Waiver of 60-Day Notice in 20 CSR 4240-4.017(1), and Motion for Expedited Treatment*, states as follows:

Request for Waiver of Tariff Sheets

1. Ameren Missouri currently has in effect a procedure, found at Schedule No. 6, Tariff Sheet Nos. 146 through 150, that requires certain actions to be taken when its coal supply reaches certain, specified levels.

2. These tariff sheets were placed in effect in the 1970s (approximately 1978) to address the circumstances existing at that time. They therefore predate Ameren Missouri joining MISO¹ (or even the advent of regional transmission organizations (RTO) at all) by more than two decades. These tariff sheets, which constitute an “Emergency Energy Conservation Procedure” (the Procedure) that was adopted by all of Missouri’s investor-owned electric utilities at that time, were designed to provide public notice and to require other actions when the Company’s coal supply fell below certain levels that at the time were thought to constitute an emergency, as the name of the Procedure implies.

¹ Midcontinent Independent System Operator, Inc.

A few examples illustrate this point. When Ameren Missouri's coal supply becomes approximately 40 days or less, the Procedure requires the Company to seek voluntary curtailments from federal, state and local agencies, from industrial customers and to make public appeals asking customers to voluntarily reduce their electric use. When coal supply is 30 days or less, the Procedure requires the Company to request customers to reduce parking lot, street and alley lighting, and to curtail sporting events and entertainment such as theaters, museums, art galleries, etc. While such actions may very well have been a warranted response to such coal inventory levels in a pre-RTO world, the Company believes that taking them now would be unnecessarily alarmist and confusing to customers and the public in general. While the Company is always concerned about below-target coal inventories, this issue does not represent an immediate emergency. As a MISO member, for immediate emergencies, the Company complies with the MISO's very structured and disciplined process to ensure all steps are being taken to address reliability issues.

The Company's membership in MISO also provides the benefit of the broad geographic and fuel-mix diversity offered by a multi-utility generation fleet. When the Company or any MISO member is constrained from serving their own load obligations – due to fuel unavailability or other issues -- MISO's regional reliability focus is a backstop that was not contemplated when this Procedure was enacted.

3. More specifically, the Emergency Energy Conservation Procedure was appropriate in 1978 and in a pre-RTO world because utility-specific coal supply was a primary indicator of that utility's baseload generation reliability. And while the Company remains keenly focused on ensuring Ameren Missouri-owned energy centers are available to meet peak demand, the nature of RTO operations allows for more appropriate indicators of future seasons with greater-than-

normal reliability concern. These indicators include reviewing the results of MISO's annual Planning Resource Auction, and the Summer & Winter Readiness Workshops facilitated by MISO. This means, in a post-MISO world, that utility-specific coal inventory, while important, is not the best indicator of the availability of electricity supply, which is what utilities, and the Commission, should be concerned about.

4. While Ameren Missouri's coal supply is currently lower than normal, the level of coal inventory does not pose a concern to generation reliability at this time, and it certainly does not create an electricity supply emergency. This is because MISO currently has sufficient generation available to load-serving entities, including to Ameren Missouri, to ensure reliable supply to Ameren Missouri's customers. If that changes, the cause will not be the level of coal supply at Ameren Missouri.

5. For these reasons, Ameren Missouri requests the Commission grant the Company a waiver from the requirements in the referenced tariff sheets as currently written and instead allow Ameren Missouri to use the following modified procedure until revised tariff sheets with a permanently updated procedure that is more appropriate in the RTO environment of today are approved by the Commission. Specifically, Ameren Missouri requests that the Procedure be modified as follows:

A. The number of days listed in each step of the Procedure will be modified as follows:

1. 50 days in Step 1 will become 30 days,
2. 40 days found in Step 2 will become 20 days,
3. 30 days found in Step 3 will become 15 days, and
4. 25 days found in Step 4 will become 10 days.

B. Reaching any of the days listed in the modified Procedure will not function as an automatic trigger for taking the associated Step. Instead, Ameren Missouri will inform Staff and the Office of the Public Counsel ("Public Counsel") if the modified days are reached at any particular Step. If Ameren Missouri does not believe the applicable Step actions should be taken despite having reached the days level that would otherwise trigger taking a particular Step, the Company will, within 2 business days after the Step would have otherwise been triggered, file a further variance request to be relieved of taking that Step along with documentation and explanations of the specific circumstances that justify that decision. If such a filing is timely made, the obligation to take that Step shall be suspended until such time as the Commission rules on the variance request.

6. The waiver requested above would remain in effect until an updated and permanent modification of the Procedure can be completed. Such an update is needed to reflect current conditions and operating realities given the existence of RTOs. Ameren Missouri has already committed to preparing and filing such an update, a commitment which can be found in its *Response to Initial Staff Report* in File No. EO-2022-0215. As part of this request, Ameren Missouri will accelerate the timing of that commitment and agrees to file new tariff sheets containing an updated Procedure no later than June 10, 2022.

7. To ensure Staff and Public Counsel continue to be informed of generation reliability status, the Company will maintain regular contact with Staff and Public Counsel (calls and/or emails with status updates every two weeks) and will also provide Staff and Public Counsel with a weekly generation status report through the end of the summer (i.e., through September 30, 2022) which shall contain, at a minimum, the following information: Projected maximum load; Projected max/min ambient temperatures; Projected MISO market prices over the next week; Projected

probability that MISO will call for a curtailment over the next week; and whether each generating unit is available, derated, or on outage (with estimated restoration date). This information sharing will allow Staff and Public Counsel to monitor the situation and for the Company, Staff, and Public Counsel to communicate as needed.

8. Schedule No. 6, Tariff Sheet No. 105, provides for a waiver of any specified portion of the Company's tariffs by application to the Commission for good cause shown. For the reasons set forth herein, including the changes occurring since the Procedure was first put into place in the 1970s, Ameren Missouri has demonstrated good cause for a waiver of the specified portions of the Procedure outlined above, and asks the Commission to grant its request.

9. Ameren Missouri has consulted with counsel for Staff and Public Counsel and both have agreed that Ameren Missouri's counsel may represent that neither Staff nor Public Counsel opposes this request.

Request for Waiver of 60 Day Notice

10. 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).

11. 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 declaration . . . that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue² likely to be in the case" A

² The phrase "substantive issue" is defined by 20 CSR 4240-4.015(14).

verified declaration meeting those requirements is attached to this request. Consequently, good cause has been established.

Motion for Expedited Treatment

12. Ameren Missouri requests expedited treatment of its request in accordance with 20 CSR 4240-2.080(14). Ameren Missouri requests a decision on this request to be effective as soon as possible but no later than June 8, 2022.

13. Given the changes that have occurred since the approval of the Procedure, including the advent of RTOs and Ameren Missouri's current coal supply, the hard triggers in the tariff should be modified. Ameren Missouri is concerned the current requirements would cause undue alarm and confusion among Ameren Missouri customers and the public in general. Accordingly, good cause exists to approve this waiver request on an expedited basis.

14. Moreover, there will be no negative impact on customers or the general public if the Commission grants such relief on an expedited basis.

15. This request was filed as soon as it could have been, given that the need for the requested waiver was only recently identified.

WHEREFORE, Ameren Missouri asks the Missouri Public Service Commission to grant it a waiver of the Emergency Energy Conservation Procedure found at Schedule 6, Tariff Sheets 146 through 150, a waiver of the 60-day notice in 20 CSR 4240-4.017(1), and that it grant expedited treatment of these requests by June 8, 2022.

Respectfully submitted,

(Signature block appears on following page)

/s/ Wendy K. Tatro

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

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 27th day of May, 2022, to Staff and the Office of the Public Counsel.

/s/ Wendy K. Tatro _____