

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

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| In the Matter of the Application of Union Electric |) | |
| Company d/b/a Ameren Missouri for Permission and |) | |
| Approval and a Certificate of Public Convenience and |) | File No. EA-2019-0371 |
| Necessity Authorizing it to Construct Three Solar |) | |
| Generation Facilities. |) | |

**REQUEST FOR LEAVE TO AMEND ITS ORIGINAL APPLICATION
AND AMENDED APPLICATION**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), pursuant to Section 393.170.1, RSMo. (2018), 20 CSR 4240-2.060, 20 CSR 4240-20.045,¹ and 20 CSR 4240-2.080(18) and hereby requests that the Company be granted leave to amend its original Application in the above-entitled matter and hereby submits to the Missouri Public Service Commission ("Commission") its Amended Application requesting four Certificates of Convenience and Necessity ("CCNs") under subsection 1 of Section 393.170 RSMo. (2018) to construct three electric generating assets, and one distribution asset outside of its certificated service territory (construction certificates). On September 3, 2019, Ameren Missouri filed its original Application for three electric generating asset construction certificates. As none of the parties have filed responsive testimony yet, no parties will be prejudiced by the amendment of the Company's original Application. Through this Amended Application the Company seeks:

¹ 20 CSR 4240-20.045 (effective November 30, 2018), referred to as the "CCN Rule," describes the requirements for CCN applications, and sets out separate requirements for the different types of CCNs: service area certificates in subsection 4; operation of assets certificates in subsection 5; and construction certificates in subsection 6. While the CCN Rule has been held unlawful by a reviewing court, the CCN Rule is technically still in effect at the time of this filing as further review is pending. *In re Matter of Amendment of Commission's Rule Regarding Applications for Certificates of Convenience and Necessity*, ___ S.W.3d ___, (Mo.App. W.D. June 28, 2019). Accordingly, this Application describes its compliance with the CCN Rule currently in effect.

- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset to be constructed near Green City, Missouri in Sullivan County as part of the "Green City Project;"
- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset to be constructed near Richwoods, Missouri in Washington County as part of the "Richwoods Project;"
- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset to be constructed near Utica, Missouri in Livingston County as part of the "Utica Project;" and,
- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a distribution asset outside its certificated service area near Utica, Missouri in Livingston County as part of the Utica Project.

Each of the electric generating assets for which Applicant seeks a CCN will be paired with battery storage as part of an innovative solution to address reliability concerns and an alternative to a traditional "wires only" solution. The battery storage to be paired with the solar generating assets for the Green City Project and Richwoods Project are not "assets" as defined in 20 CSR 4240-20.045(1)(A), and therefore, Applicant does not seek a CCN for the battery storage components of those respective projects. Since filing its original Application on September 3, 2019, Ameren Missouri has learned that the location of the Utica Project is outside of its

certificated service area near Utica, Missouri. Therefore, this Amended Application requests a CCN for the energy storage battery and distribution facilities, as an "asset" as defined in 20 CSR 4240-20.045(1)(A), that will be located near Utica, Missouri but outside of Ameren Missouri's certificated service area.

In support of these requests, Applicant states as follows:

I. APPLICANT

1. Union Electric Company is a Missouri corporation doing business under the fictitious name of "Ameren Missouri," in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Ave., St. Louis, Missouri 63103. Applicant is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. There is already on file with the Commission a certified copy of Applicant's Articles of Incorporation (See Case No. EA-87-105), and Applicant's Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. EN-2011-0069 and GN-2011-0070). Said documents are incorporated herein by reference and made a part hereof for all purposes. A Certificate of Corporate Good Standing for Applicant is attached as Schedule A.

2. Filings, notices, orders, and other correspondence and communications concerning this Application should be addressed to undersigned counsel and to:

Tom Byrne
Senior Director Regulatory Affairs
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, MO 63166-6149
314-554-2514
tbyrne@ameren.com

3. Ameren Missouri has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court that involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

4. Applicant has no overdue annual report or assessment fees.

5. A 60-day notice with respect to the authority sought under section 393.170.1 was filed on May 28, 2019, and assigned the above-captioned file number.

II. REQUEST FOR CCN'S

A. General Description of the Innovative Reliability Solutions

6. Ameren Missouri's Smart Energy Plan, made possible by Senate Bill 564 (2018), seeks to transform the grid to ensure customers have cleaner, reliable, and affordable energy that meets their growing needs and expectations. The Green City Project, the Richwoods Project, and the Utica Project (collectively, the "Projects") combine a cleaner (solar) generating asset with battery storage to improve reliability of the Company's distribution grid at a fraction of the long-term cost of a "wires only" alternative. The Projects are also consistent with Ameren Missouri's Integrated Resource Plan's ("IRP") Preferred Resource Plan and the Company's three-year Implementation Plan.²

B. Description of the Projects.

7. Applicant requests three construction certificates for solar generating assets to be constructed by Ameren Missouri, to cost-effectively address reliability problems on the distribution circuit to the benefit of customers when paired with battery storage. Applicant also seeks a construction certificate for the energy storage battery and distribution facilities for the Utica Project that will be just outside of the Company's certificated service territory.

² Missouri Public Service Commission File No. EO-2018-0038.

8. As explained in the direct testimony of Ameren Missouri witness Kevin Anders, each Project will include a solar generating asset consisting of 10 megawatts ("MW") alternating current ("AC") of single-axis tracking photovoltaic ("PV") panels, a battery storage component consisting of 2.5 to 4 MW of batteries, and a smart solar inverter.

9. In order to qualify for the 30% investment tax credit for the solar array and batteries, PV panels have been ordered, but otherwise, construction for all projects is anticipated to commence in 2020. Construction is anticipated to be completed by the end of 2020.

C. How the Solar Generating Assets for the Projects Fit Within Ameren Missouri's Smart Energy Plan

10. Section 393.1665.2, RSMo. (2018) provides in pertinent part (emphasis added): "[a]n electrical corporation with one million or more Missouri electric customers shall invest in the aggregate **no less than** fourteen million dollars in utility-owned solar facilities located in Missouri or in an adjacent state during the period between August 28, 2018 and December 31, 2023." Ameren Missouri is an "electrical corporation with one million or more Missouri electric customers."

11. Section 393.1665.3, RSMo. (2018) announces the Commission's role: "An electrical corporation's decision to invest in utility-owned solar facilities consistent with subsection 2 of this section shall be deemed prudent."

12. As indicated in a previous filing made in the Company's 2019 IRP Update, Ameren Missouri has determined that it will spend "at least \$14 million" as required by Section 393.1665.1 RSMo., on Neighborhood Solar projects, which seek to develop solar projects in community and low income areas of the Company's service territory under that plan.³

³ Ameren Missouri's 2019 IRP Update, pg. 14, File No. EO-2019-0314.

13. The solar generating assets for the Green City Project and the Richwood Project, and the solar generating asset and distribution assets for the Utica Project, will be owned by the Company, located in Missouri, and constructed before December 31, 2023. Accordingly, they are deemed prudent under subsection 3 of Section 393.1665 RSMo.

D. CCN Factors evaluated by the Commission ("Tartan Factors").⁴

14. The Tartan Factors are as follows:

- a. Need for the Project;
- a. Economic Feasibility of the Project;
- b. Ability of the Applicant to Finance the Project;
- c. Qualifications of the Applicant to Construct the Project; and
- d. Whether the Project is in the Public Interest.

An affirmative finding on the first four factors generally leads to the conclusion that the final factor, public interest, is satisfied.⁵

15. Need and Economic Feasibility Factors: The Company's decision to invest in the three solar generating assets for which the Company seeks three CCNs is deemed prudent under subsection 3 of Section 393.1665, RSMo. This moots the requirement for Ameren Missouri to demonstrate need and economic feasibility for those assets, as they will be in service prior to December 31, 2023. The Company demonstrates need and economic feasibility for the Utica project battery storage through Mr. Ander's direct testimony and Rex Jenkins' supplemental direct testimony. Mr. Ander's direct testimony explains the Projects and how the solar generating units, when paired with battery energy storage, address distribution substation reliability problems. Mr.

⁴ While a project is not required as a matter of law to meet the "Tartan Factors," the Commission has traditionally analyzed CCN applications using those factors. See *In Re Tartan Energy*, GA-94-127, 3 Mo.P.S.C.3d 173, 177 (1994).

⁵ *Id.* at 189 (citing *In re: Intercon Gas, Inc.*, 30 Mo. P.S.C. at 561).

Jenkins' supplemental direct testimony shows that the innovative Solar + Storage solution to address the reliability concern at Utica is cost-effective.

16. Finance Ability Factor: As explained in Tom Byrne's direct testimony, Ameren Missouri has the financial ability to construct the assets through the use of existing funds and indebtedness while maintaining strong financial metrics.

17. Qualified to Construct Factor: As discussed in Mr. Byrne's direct testimony, Ameren Missouri is qualified to construct the Projects as it has experience owning generation of various types, including solar generation, and has selected a contractor through an RFP process who has the experience and knowledge to construct these assets.

E. 20 CSR 4240-20.045(6)

18. In compliance with 20 CSR 4240-20.045(6)(A), confidential Schedule B depicts each of the sites of construction for the assets in the Projects.

19. In compliance with 20 CSR 4240-20.045(6)(B), the list of regulated and non-regulated utilities, railroad tracks, and underground facilities the Projects will cross is set out in Schedule C.

20. In compliance with 20 CSR 4240-20.045(6)(C), confidential Project specifications can be found in Schedule D.

- a. The estimated total cost of the initial construction of the Green City Project is approximately \$22.7 million, but the solar generating asset construction is estimated to be \$18.8 million.
- b. The estimated total cost of the initial construction of the Richwoods Project is approximately \$24.6 million, but the solar generating asset construction is estimated to be \$19.6 million.

- c. The estimated total cost of the initial construction of the Utica Project is approximately \$21.7 million, but the solar generating asset construction is estimated to only be \$18.6 million and the battery and distribution facilities construction is estimated to be \$3.1 million.

Each of these cost estimates have been updated slightly since the original Application was filed to clear up areas of confusion identified in data requests propounded by Staff.

21. In compliance with 20 CSR 4240-20.045(6)(D), and explained above, the Company plans to begin construction of the assets in 2020, and anticipates the assets to be fully operational by December 31, 2020.

22. 20 CSR 4240-20.045(6)(E) is not applicable.

23. In compliance with 20 CSR 4240-20.045(6)(F), and as explained above, the Company plans to finance the construction of the assets using existing funds and indebtedness.

24. In compliance with 20 CSR 4240-20.045(6)(G), and as explained in Schedule E, the Projects are not inconsistent with Ameren Missouri's IRP Preferred Resource Plan and the Company's three-year Implementation Plan.

25. In compliance with 20 CSR 4240-20.045(6)(H), and as described in Mr. Anders' direct testimony, Ameren Missouri has selected a contractor to construct the assets through a competitive bidding process. Schedule F also describes the plan for competitive bidding.

26. In compliance with 20 CSR 4240-20.045(6)(I) & (J), Schedule G provides a confidential draft operating procedure for the solar generating assets, which includes restoration of service of the assets.

27. 20 CSR 4240-20.045(6)(K) is not applicable.

F. Timing

28. In order for the Company to flow back the full value of available investment tax credits for customers' benefit and resolve distribution substation problems as soon as practicable, the Company requests the Commission issue its order to be effective as soon as practicable.

29. In addition, filed concurrently herewith is Ameren Missouri witness Rex Jenkins' supplemental direct testimony. The direct testimony of Mr. Anders, which was previously filed in support of the original Application, is revised in the concurrently filed Revised Direct Testimony of Kevin Anders. Mr. Anders' Revised Direct Testimony merely revises the cost estimates for the Projects and corrects the number of outages experienced in 2017 for the Richwoods Project circuit to address confusion identified through the discovery process. The pre-filed testimony of Mr. Byrne filed in support of the original Application also supports the Amended Application. Ameren Missouri provided all its workpapers to Staff and Public Counsel following its filing of the original Application, and has discussed with all parties the need to amend the Application in advance of this filing.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue a final order as soon as practicable:

- Granting a CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset to be constructed near Green City, Missouri in Sullivan County as part of the Green City Project;
- Granting a CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and

otherwise control and manage a solar generating asset to be constructed near Richwoods, Missouri in Washington County as part of the Richwoods Project;

- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset to be constructed near Utica, Missouri in Livingston County as part of the Utica Project; and,
- A CCN under subsection 1 of Section 393.170 (a construction certificate) authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a distribution asset outside its certificated service area near Utica, Missouri in Livingston County as part of the Utica Project.

Respectfully submitted,

/s/ Wendy K. Tatro

Wendy K. Tatro, Mo. Bar #60261

Director and Assistant General Counsel

Jermaine Grubbs, Mo. Bar #68970

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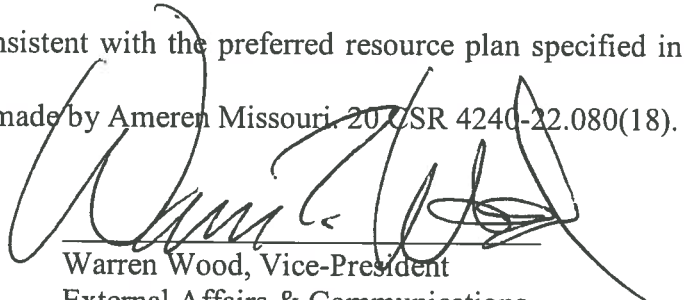
E-Mail: AmerenMOService@ameren.com

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

VERIFICATION

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Amended Application* is true and correct to the best of his knowledge, information, and belief.

This request is substantially consistent with the preferred resource plan specified in the most recent triennial compliance filing made by Ameren Missouri, 20 CSR 4240-22.080(18).


Warren Wood, Vice-President
External Affairs & Communications
Union Electric Company d/b/a Ameren Missouri

Subscribed and sworn to before me this 7th day of November, 2019.


Notary Public

My commission expires:

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| GERI A. BEST Notary Public - Notary Seal State of Missouri Commissioned for St. Louis County My Commission Expires: February 15, 2022 Commission Number: 14839811 |
|--|

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the public version of the foregoing Application has been e-mailed, this 25th day of November, 2019, to the Missouri Public Service Commission Staff and to the Office of the Public Counsel.

/s/ Wendy K. Tatro

Wendy K. Tatro

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

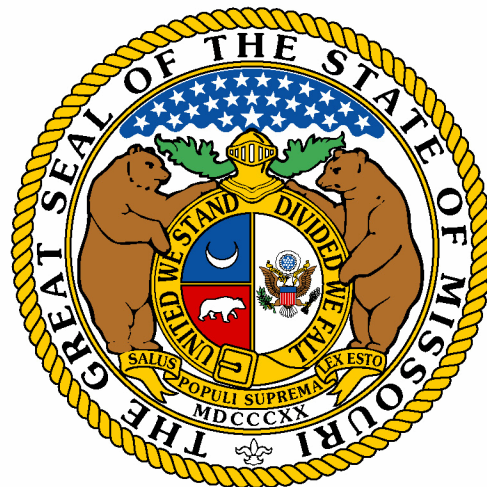
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

AMEREN CORPORATION
00414845

was created under the laws of this State on the 7th day of August, 1995, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 25th day of November, 2019.


Secretary of State



Certification Number: CERT-11252019-0054