

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

In the Matter of Ameren Missouri’s)
Submission of its 2014 RES Compliance)
Report and 2015-2017 Compliance Plan.)

File No. EO-2015-0267

RESPONSE TO COMMENTS OF PARTIES

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and in response to the comments filed by various parties in this case, respectfully states as follows:

1. On April 15, 2015, Ameren Missouri submitted its Renewable Energy Standard (“RES”) Compliance Plan for calendar years 2015 through 2017 (“RES Plan”). At the same time, Ameren Missouri submitted its RES Compliance Report for 2014 (“RES Report”).

2. On June 1, 2015, the Missouri Department of Economic Development – Division of Energy (“DE”), the Office of the Public Counsel (“OPC”), Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”) and the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) filed comments on Ameren Missouri’s RES Plan and RES Report. Significantly, the Staff Report concludes that Ameren Missouri’s RES Report and RES Plan are in compliance with the applicable statute and rules.¹

Procedure to Address Comments

3. Ameren Missouri has filed its RES Report and its RES Plan every year since 2012.²

¹ With one exception, stemming from the number of solar renewable energy credits that were retired by Ameren Missouri. This issue is addressed later in this pleading.

² There was a filing in 2011 in File No. EO-2011-0275, but it was only a compliance plan since there were no RES requirements applicable in 2010, so there was no compliance to report on at that time.

4. In previous cases, various parties made allegations similar to the assertions made in this case. In each case, the Commission has determined it would not resolve these disagreements in the RES Report and RES Plan dockets and, instead, has stated these issues would be addressed if and when a complaint alleging that the Company has not complied with an order, statute or rule is filed.

5. For example, in the 2012 case (“2011 RES Report and 2012-2014 RES Plan”), the Commission stated:

The Commission’s regulation does not specify what, if any, action the Commission is to take regarding Ameren Missouri’s RES compliance report and plan and any alleged deficiencies in that report and plan, except to allow the Commission to “establish a procedural schedule if necessary”. After considering the submitted comments, the Commission concludes that no further order from the Commission is appropriate at this time. If the organizations that submitted comments, or anyone else, wants to further pursue their contention that Ameren Missouri has failed to comply with the requirements of the renewable energy statute or the Commission’s implementing regulations, they may do so by filing a complaint pursuant to Section 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.³

6. In the 2013 case (“2012 RES Report”), the Commission stated:

The Commission’s regulation does not specify what, if any, action the Commission is to take regarding Ameren Missouri’s RES compliance report and any alleged deficiencies in that report, except to allow the Commission to “establish a procedural schedule if necessary”. After considering the submitted comments, the Commission concludes that no further order from the Commission is appropriate at this time. If the organizations that submitted comments, or anyone else, wants to further pursue their contention that Ameren Missouri has failed to comply with the requirements of the renewable energy statute or the Commission’s implementing regulations, they may file a complaint pursuant to

³ File No. EO-2012-0351, Notice Regarding Ameren Missouri’s 2011 RES Compliance Report and 2012-2014 Compliance Plan, p. 2.

Section 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.⁴

7. The Commission issued an order with similar language in the Company's 2013-2015 RES Plan case, also filed in 2013.

If the organizations that submitted comments, or anyone else, want to further pursue their contention that Ameren Missouri has failed to comply with the requirements of the renewable energy statute or the Commission's implementing regulations, they may do so by filing a complaint pursuant to Section 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.⁵

8. In 2014, the Commission simply issued a notice closing the case without addressing any of the concerns raised by parties in the case for the Company's 2013 RES Report or its RES Plan.⁶

9. Consequently, while Ameren Missouri does not agree with the comments filed in this case, Ameren Missouri is not providing a full response to such issues here. Most of these issues have been raised and answered multiple times. Several of the issues have been addressed in hearings. At least one issue (Renew Missouri's allegation about the legality of using unbundled RECs to comply with the Missouri RES) has been ruled upon and explicitly rejected by the Commission, a fact Renew Missouri's filing did not acknowledge.⁷ Regardless, the Commission has properly and repeatedly determined that the proper avenue to pursue a claim that the Company is not in compliance with the RES statute or rules is to file a complaint, at which time the Commission would adjudicate any such claim. Consequently, Ameren Missouri

⁴ File No. EO-2013-0462, Notice Regarding Union Electric Company d/b/a Ameren Missouri's 2012 RES Compliance Report, p. 2.

⁵ File No. EO-2013-0503, Notice Regarding Ameren Missouri's 2013-2015 Compliance Plan, p2.

⁶ File No. EO-2014-0291, Notice Closing Case, September 18, 2014.

⁷ File No. EC-2013-0377, Order Denying Motion for Summary Determination of Renew Missouri and Granting Motions to Dismiss of Ameren Missouri and Empire, p. 4.

will not repeat its explanations respecting why the allegations made in this docket are incorrect here. (Those explanations can be found in File Nos. EO-2011-0275, EO-2012-0351, EO-2013-0503, EO-2013-0462 and EO-2014-0291). However, there are a few new comments made in this docket that Ameren Missouri will briefly address below.

OPC Comments

10. OPC points out that the Company did not include a detailed analysis regarding whether a second utility-scale solar generation facility that the Company may build in Montgomery County, Missouri, is the least-cost option. Certainly, Ameren Missouri is mindful of the requirement of the Non-Unanimous Stipulation and Agreement entered into by Ameren Missouri (and OPC) in File No. ET-2014-0085, where the Company (and all signatories, including OPC) agreed it is appropriate to establish a preference for utility-owned renewable energy resources. Further, Ameren Missouri's REC balance is projected to be depleted in 2018 and, as shown in Schedule 1, the 30% Investment Tax Credit ("ITC") impact of installing this facility in 2016 is more beneficial for customers than the impact of the 10% ITC available in 2018.

Staff Comments

11. Ameren Missouri will address one minor comment of Staff regarding Ameren Missouri's 2014 RES Compliance Report. Staff states that the Company failed to meet the statutory Solar Renewable Energy Credit ("S-REC") requirement.

12. While Staff's statement is technically accurate, it does not provide a complete explanation of what occurred. Ameren Missouri believed it had retired sufficient S-RECs for 2014. However, when Staff and Ameren Missouri examined the retired S-RECs, it was determined that, in one instance, a residential customer who owned a solar facility at a residence

(and who entered into a contract to sell those S-RECs to Ameren Missouri prior to the statute change in 2013) sold the residence and the new owners of the residence did not agree to sell their S-RECs to Ameren Missouri. In a second instance, a meter that was originally used by a customer at a residence to track the solar generation was switched out and that meter was re-assigned to an account that does not have solar generation. Accordingly, Ameren Missouri retired thirty-one S-RECs that it did not actually have title to and thus could not retire.

13. The Company proposes to remedy this situation by retiring additional S-RECs to satisfy its 2014 RES obligation. To do so, Ameren Missouri requests the Commission to grant it a variance from 4 CSR 240-20.100(2)(J) because the regulation requires all RECs to be retired no later than March 31 of the year following the calendar year for which compliance is being achieved in order to be able to designate those retired RECs to count towards the requirements of that previous calendar year.

WHEREFORE, Ameren Missouri respectfully requests the Commission grant the above-requested variance and accept the Company's RES 2014 Compliance Report and its RES Compliance Plan for 2015-2017.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ Wendy K. Tatro _____

Wendy K. Tatro, # 60261
Director & Assistant General Counsel
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149, MC 1310
St. Louis, MO 63103
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to counsel for parties in this case on this 8th day of June, 2015.

/s/ Wendy K. Tatro _____

SCHEDULE 1
IS HC
IN ITS ENTIRETY