

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

In the Matter of the Establishment of a)
Working Case for the Review and)
Consideration of Amending the Commission)
Rule on Reporting Requirements for Electric)
Utilities and Rural Electric Cooperatives.) File No. EW-2021-0165

COMMENTS

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), and submits these *Comments* in response to *Order Opening File Regarding Review of Reporting Requirements Rule and Providing Notice* ("Notice"). In support of its positions contained herein, Ameren Missouri states as follows:

I. INTRODUCTION

1. On December 9, 2020, the Commission Staff ("Staff") submitted a pleading titled, *Staff Motion to Establish Working Case* ("*Motion*"), which requested the opening of this working docket in order to explore potential revisions to 20 CSR 4240-3.190, pertaining to reporting requirements for electric utilities. Staff's *Motion* included a list of potential updates to the rule, and asked interested parties to comment not only on those issues and potential solutions offered by Staff, but also to identify any additional issues and potential solutions. On December 16, 2020, the Commission issued its *Order* granting Staff's *Motion*, and established a deadline of February 16, 2021, for the provision of comments by interested parties. On February 12, 2021, Ameren Missouri requested a two-week extension for the filing of comments. On February 16, 2021, the Commission granted the Company's request and extended the deadline for comments until March 2, 2021.

2. Ameren Missouri appreciates the opportunity to provide comments regarding potential revisions to 20 CSR 4240-3.190. The Company has divided these *Comments* into two sections. In the first section, Ameren Missouri addresses several suggestions that could increase the efficiency with which utilities provide information to the Commission, and which could bring needed clarity to other parts of this rule. In the second section, the Company provides specific answers to the suggestions offered in Staff's *Motion*.

II. DISCUSSION

A. Ameren Missouri's Suggested Revisions

3. The purpose statement for 20 CSR 4240-3.190 provides, in part that the requirements and procedures for reporting are intended to "inform the commission of developments that may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain accidents and events..." Ameren Missouri supports this stated intent of the rule. Over time, Ameren Missouri has identified several portions of 20 CSR 4240-3.190 that could be updated to better reflect current practices, the current markets and industry structures within which electric utilities operate, and create additional reporting efficiencies. These suggestions are described in more detail in the following paragraphs.

4. 20 CSR 4240-3.190(1). This introduction to the monthly generation report submission requirements could benefit from several clarifications. First, the provision stating that the rule can be implemented beginning September 1, 1991, is no longer necessary and can be deleted. This portion of the rule could also be clarified to state that the following provisions represent the *minimum* information to be provided so that a utility would not be technically out of compliance for over-reporting. For example, Ameren Missouri currently provides information about hydroelectric generating units under the 1½% capacity threshold because parsing out units

above and below that threshold is impractical. Finally, the Company suggests that it be clarified that when the last business day of the month falls on a date when state offices are closed, the report could be submitted on the first business day following those closures. Simply specifying that the submissions are due on the last day of the month will then, in accordance with the Commission's rule regarding the computation of time found at 20 CSR 4240-2.050(1), should be sufficient.

(1) ~~Commencing on September 1, 1991, every~~ Every electric utility shall accumulate at least the following information and submit it to the manager of the Energy Department of the commission, or his/her designee, ~~on or~~ later than the last ~~business~~ day of the month following the month to be reported ~~and after that~~ on a monthly basis:

5. 20 CSR 4240-3.190(1)(D). This provision requires the reporting of "[n]et hourly generation for each generating unit..." The Company believes additional clarity is needed for this particular provision. Specifically, it is not clear whether "net" refers only to the energy produced overall, or whether it refers also to the power used by that generating unit to operate in cases when the unit is offline and consuming power from the grid for station use. In the former, the net would never be less than zero, but in the latter situation, the net could be a negative number. Ameren Missouri has typically used the latter interpretation, which means it occasionally reports negative numbers in its monthly generation reports. The Company does not have a preference or suggestion, but does ask that the commission clarify the meaning of "net" in any rule amendments that may arise from this workshop and ultimately from a rulemaking proceeding involving the reporting rule.

6. 20 CSR 4240-3.190(3)(A). As written, this provision requires the submission of a report regarding "any accident or event at a power plant involving ... property damage in excess of two hundred thousand dollars (\$200,000)." While the Company agrees that incidents involving significant property damage merit reporting, it questions whether the \$200,000 limit creates any meaningful threshold in the current economic landscape. It appears this rule has been in effect for

nearly 20 years, and costs of utility plant components have risen during that time. The Company suggests that the workshop participants should determine whether there is a reporting threshold that better reflects current market conditions.

B. Responses to Staff's Suggestions

7. Staff's *Motion* identified several areas in the rule that it believed could benefit from improvements to the types and quality of information provided. Staff specifically noted 13 potential areas for improvement, and requested comments on these suggestions. Ameren Missouri would like to explore Staff's intent with regard to many of the suggestions in order to better understand the value they hope to achieve through additional reporting so that we can better provide meaningful responses. Ameren Missouri also has concerns regarding some of the suggestions, which it explains in more detail below. Bearing in mind this rule's purpose to provide information regarding safety, reliability, and incident impacts, Ameren Missouri's responses are set forth below in the following sections:

- I. Questions
- II. Concerns
- III. Support

I. Questions

8. Ameren Missouri would like to better understand the content and value sought in some aspects of the additional reporting listed in this section so that it can provide additional guidance to the workshop participants. Staff has made several suggestions for additional reporting that could result in the requirement to engage in significant and time-consuming information gathering followed by the transmission of significant amounts of data in addition to that already provided, all of which may require revision of various Company processes and structures to

accomplish. Before imposing these additional administrative burdens on all utilities, it is important to explore in more detail what specific information is sought, why certain information is sought, and whether the volume and/or production of the data provided would be overly burdensome. In this way, we can more readily ensure that the data is actually providing the value sought. The Staff suggestions that fall within this category are:

Staff Suggestion No. 1 - Require the provision of interval data by the utility on a monthly basis, and retention of interval data for retrieval and study.

Staff Suggestion No. 2 - Require the provision of hourly day-ahead cleared, real-time, and ancillary services at each generating unit.

Staff Suggestion No. 3 – Require the provision of hourly day-ahead schedule and real-time load at load nodes.

Staff Suggestion No. 4 – Require the consistent reporting of generation from PPAs as purchased power.

Staff Suggestion No. 8 – Require the reporting of unit heat rate curve data.

Staff Suggestion No. 9 – Require the reporting of unit ramp rate data.

Staff Suggestion No. 10 – Require the reporting of unit variable operations and maintenance data.

Staff Suggestion No. 11 – Require the reporting of fuel price data used for dispatch of coal units, when the dispatch fuel price uses the market price of coal.

Staff Suggestion No. 12 – Require reporting of outages due to unforeseen occurrences.

9. An example of more specificity regarding the information sought can be found in Staff suggestion Nos. 1 and 4. With regard to No. 1, Ameren Missouri is unsure what it meant by the term "interval data" that would not already be included in the system load data and wholesale/transmission load data already provided. With regard to No. 4, the Company is unsure of whether Staff is looking for recommendations regarding a reporting template or whether Staff is suggesting all purchased power should or should not be reported as purchased power.

10. With regard to why certain additional information is sought, the Company points first to suggestion Nos. 2 through 3, as well as 7 through 12. All of these suggestions could result in a significant increase in the amount of data provided pursuant to this rule, and providing this incremental data may only be possible after system changes to gather the information in the first place.

11. If the Company knew the specific reasons why the additional data was sought, we could work more easily with Staff toward crafting an appropriate solution, which may involve providing a different subset or sampling of information.

II. Concerns

12. In addition to the suggestions cited, above, Ameren Missouri has concerns with two of the Staff suggestions. Similar to the statements above, however, with more information regarding why the information is being sought, there may be a way for the workshop participants to identify an alternative solution. Until these matters can be more fully explored, the Company discusses its concerns below.

Staff Suggestion No. 6 – Require that password protection be removed from any electronic data file submitted to the Commission to meet these reporting requirements.

13. Ameren Missouri has concerns regarding this particular suggestion. Typically, the Company provides information via EFIS, so there is no need for a transfer medium that requires password protection. However, this may not always be the case. Occasionally, the Company runs into situations where the data to be transferred is too large to transmit via EFIS. In these cases, the Company may use other means to transfer information, such as CDs. The data the Company provides could, depending on the circumstances, be governed by infrastructure security standards implemented and enforced by NERC, and/or relates to protected market data. The Company is

not comfortable with precluding password protections in these circumstances, and requiring this could place protected information at risk and potentially subject an electrical corporation to fines and penalties, depending on the circumstances. A process to provide the appropriate passwords to the Commission can be required by any amended rule, which should meet the Commission's needs while allowing the Company to properly protect the information.

Staff Suggestion No. 7 – Require enhanced reporting of decisions to permanently retire power plants.

14. Suggestion No. 7 presents potential issues because coal plant retirements are addressed through multiple other means. Power plant retirements are already addressed in both integrated resource planning dockets and rate case proceedings. Further, in those cases, the information would have been more thoroughly vetted against a broader scope of available information, rather than the snapshot in time provided by the monthly generation report. This could potentially create the illusion of mismatched data. Finally, it bears stating that the Midcontinent Independent System Operator, Inc. ("MISO") has specific processes in place for the retirement of generation assets. If the Commission is interested in enhanced reporting of power plant retirement decisions, perhaps it should entertain a reporting process similar to one employed by MISO or SPP, which include confidentiality of the retirement potential until a final decision is made.

III. Support

15. Ameren Missouri supports two of the suggestions noted by Staff in their *Motion*, and looks forward to continued collaboration.

Staff Suggestion No. 5 – Require that format changes in reported data be accompanied by notification from the utility and an explanation of the changes made.

16. Ameren Missouri is amenable to Staff Suggestion No. 5, and already endeavors to undertake this requested action in its monthly generation reports.

Staff Suggestion No. 13 – Require the use of an administratively controlled form maintained on the PSC public website for the reporting of accidents or events by electric utilities and rural electric cooperatives. Reporting via telephone, fax machine, email, or EFIS notification will still be accepted.

17. Ameren Missouri does not have an objection to a form for incident reporting consistent with these rules that would create more consistency for Staff and the Commission.

Respectfully submitted,

/s/ Paula N. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 2nd day of March, 2021:

/s/ Paula N. Johnson

Paula N. Johnson