

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

In the Matter of the Application of Union                    )  
Electric Company d/b/a Ameren Missouri for                )  
Permission and Approval and a Certificate of                ) EA – 2022-0244  
Public Convenience and Necessity Authorizing it        )  
to Construct a Renewable Generation Facility             )  
  )

**MOTION FOR LEAVE TO FILE AMENDED APPLICATION**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), and for its motion for leave to file the attached Amended Application, states as follows:

1. On July 7, 2022, the Company filed its original Application in this case seeking a certificate of convenience and necessity for the Huck Finn Solar Project (the “Project”), a 200-megawatt solar generation facility to be constructed pursuant to a Build Transfer Agreement (“BTA”) with renewables developer EDF Renewables and to be used by the Company for Missouri Renewable Energy Standard (“RES”) compliance. At the time the Company filed the original Application, it intended to finance the Project using a tax equity financing structure that was necessary at that time to take advantage of the available federal Investment Tax Credit (“ITC”).

2. Approximately five weeks after the Company filed the original Application, President Biden signed the Inflation Reduction Act (“IRA”) into law, which for the first time made Production Tax Credits (“PTCs”) available for solar facilities. The Company then determined that use of PTCs rather than ITCs was more advantageous for its customers and provided updated analyses to the Commission’s Staff and the Office of the Public Counsel (“OPC”) demonstrating that fact. Company representatives also met with Staff and OPC on this topic.

3. On November 14, 2022, the Company filed its Notice Regarding Impact of the

Inflation Reduction Act on Relief Sought to outline how the Company's determination affected its original Application, including that it eliminated the need to utilize tax equity financing since it would no longer utilize the ITC.

4. On December 1, 2022, that Staff filed its Staff Report and Recommendation in which it recommended the Commission issue a CCN for the Project, subject to certain enumerated conditions, including the condition that the Company utilize PTCs instead of the ITC for the Project.

5. Approximately concurrently with the filing of the November 14, 2022 Notice and Staff's Report and Recommendation, the developer, EDF Renewables, was working to implement a Chapter 100 financing arrangement with Audrain and Ralls Counties, Missouri, as a means to minimize property taxes that would be generated by the Project (and ultimately charged to Ameren Missouri's customers).

6. The Chapter 100 arrangement is the same structure utilized for Ameren Missouri's existing Audrain Energy Center and Penno Creek Energy Center. A Chapter 100 arrangement, so named because it is authorized by Chapter 100 of the Revised Statutes of Missouri, allows facilities to avoid ad valorem tax (i.e., property tax) obligations since title to the facility that is the subject of the arrangement will be owned by a tax-exempt entity, here, the counties. In lieu of paying what would be much higher property taxes if the facility were owned by Huck Finn Solar (and, ultimately, Ameren Missouri), the facility operator makes payments in lieu of taxes (PILOTS) to the counties, but in amounts much lower than the actual taxes would be if the facility were not tax exempt.

7. Specific to the Huck Finn Project, Ameren Missouri estimates that the Chapter 100 arrangement will save its customers approximately \$81.5 million over the expected 30-year life of

the Project. The aggregate amount of the PILOT is estimated to be approximately \$11 million over that period, while the aggregate amount of property taxes the facility would generate absent the Chapter 100 arrangement is estimated to be \$92.55 million over that period. Workpapers reflecting these estimates have been provided to the parties.

8. To implement the arrangement, Huck Finn Solar has conveyed title to the facility to the counties and has leased the project site to the counties. The counties have then leased the project site back to Huck Finn. Huck Finn has (and ultimately, Ameren Missouri will have) full rights to control and operate the facility. Once Ameren Missouri (through a subsidiary, as discussed below) buys Huck Finn Solar and then completes the mergers discussed below, Ameren Missouri will “step into the shoes” of Huck Finn Solar as lessor to the counties of the Project site, and lessee of the facility itself, the same as if Ameren Missouri had developed and built the Project and entered into the Chapter 100 arrangement initially.

9. Given the use of PTCs instead of the ITC and the recent completion of the Chapter 100 arrangement by the developer, Ameren Missouri believes that the record would benefit from the filing of the attached Amended Application so that the record clearly reflects the final structure of the Project, including the relief sought. For this reason, good cause exists to grant this motion for leave.

10. Concurrently with the filing of this motion, the Company and the Staff are filing an unopposed Stipulation and Agreement reflecting their agreement that a CCN should be issued for the Project, subject to the conditions enumerated in the Stipulation and Agreement. The Stipulation and Agreement contemplates the Company’s filing of the attached Amended Application. As noted in the Stipulation and Agreement, no other party to this docket opposes it.

**WHEREFORE**, Ameren Missouri respectfully requests that the Commission issue a its

order granting it leave to file the attached Amended Application.

RESPECTFULLY SUBMITTED,

/s/ James B. Lowery

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

Dated: January 4, 2023

**CERTIFICATE OF**  
**SERVICE**

I do hereby certify that a true and correct copy of the foregoing Motion has been e-mailed, this 4th day of January, 2023, to counsel for all parties of record.

*/s/ James B. Lowery* \_\_\_\_\_

**James B. Lowery**

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

In the Matter of the Application of Union            )  
Electric Company d/b/a Ameren Missouri for        )  
Permission and Approval and a Certificate of        ) EA – 2022-0244  
Public Convenience and Necessity                    )  
Authorizing it to Construct a Renewable            )  
Generation Facility                                        )

**AMENDED APPLICATION**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), pursuant to Sections 393.170, RSMo. (Cum. Supp. 2022) and 393.190.1, RSMo., 20 CSR 4240-2.060, and 20 CSR 4240-20.045, and hereby submits to the Missouri Public Service Commission ("Commission") its Amended Application requesting the following:

- A Certificate of Convenience and Necessity ("CCN") under subsection 1 of Section 393.170 authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a 200 megawatt ("MW") solar generation facility, in Audrain and Ralls Counties, Missouri (the "Huck Finn Solar Project" or "Project") pursuant to a Build Transfer Agreement ("BTA") with EDF Renewables Development, Inc. ("EDF Renewables"), a copy of which is attached to the Direct Testimony of Ameren Missouri witness Scott Wibbenmeyer filed in this docket;
- Authority under Section 393.190.1 to complete the mergers described later in this Application and a determination that doing so is not detrimental to the public interest;
- Issuance of a Commission order granting the relief requested in this Application by February 28, 2023, so that the Project can be timely constructed; and
- For such other and further relief as may be appropriate.

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 natural gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. Ameren Missouri has previously submitted to the Commission in this docket a certified copy of its Articles of Incorporation, its Fictitious Name Registration with the Missouri Secretary of State, and a Certificate of Good Standing from the Missouri Secretary of State, all of which are incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G).

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

Steve Wills  
Ameren Missouri  
1901 Chouteau Avenue  
P.O. Box 66149  
St. Louis, MO 63166-6149  
[swills@ameren.com](mailto:swills@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 hereunder was filed on March 14, 2022, and assigned the above-captioned file number.

## **II. REQUEST FOR CCN AND FOR SECTION 393.190.1 AUTHORITY**

### **A. Huck Finn Solar Project Description.**

6. Applicant is requesting a CCN for the Huck Finn Solar Project. The Project is a 200 MW-AC solar generation facility in Audrain and Ralls Counties, Missouri, to be connected to the transmission system under the functional control of the Midcontinent Independent System Operator, Inc. ("MISO"), and which is to be acquired by Ameren Missouri through various subsidiaries under the BTA and related transactions.

7. As explained in the Direct Testimony of Ameren Missouri witness Lindsey Forsberg, the Project is being built so that Ameren Missouri can meet its compliance obligations under the Missouri Renewable Energy Standard ("RES"). Starting in 2021, Ameren Missouri must have Renewable Energy Credits ("RECs") representing at least 15% of its retail sales to satisfy its RES obligations. To meet that requirement, Ameren Missouri projects it will need to retire approximately **\*\* \_\_\_\_\_ \*\*** million RECs each year. Building on Ameren Missouri's addition of 700 MW of Missouri wind resources in 2020 and 2021, there is a need for at least one additional renewable energy resource designed to meet Ameren Missouri's RES compliance obligations over the next decade. The Huck Finn Solar Project, located in Missouri, fulfills this need and offsets the loss of RECs currently being supplied by the Pioneer Prairie wind Power Purchase Agreement ("PPA") which is set to expire in August 2024. It also helps mitigate against uncertainty in future retail load and renewable energy resource generation levels. The proposed Project is a competitive and cost-effective option to meet Ameren Missouri's RES compliance needs.

8. The Huck Finn Project will be constructed pursuant to the BTA, which is between HFREC Holding Company, LLC (a subsidiary of Ameren Missouri Renewables Holdco, LLC ("Holdco")), and also referred to as the Purchaser) and EDF Renewables. Under a build-transfer-



own structure, as reflected in the BTA, the facility is specifically constructed for the ultimate owner and to the ultimate owner's specifications. Missouri is not literally the constructor, Ameren Missouri (through its subsidiary interests and eventually directly) will ultimately own and operate the Project. Thus, Ameren Missouri seeks a CCN in accordance with Section 393.170.1 and 20 CSR 4240-20.045.

9. To complete the Huck Finn Project, EDF Renewables has formed a special-purpose entity, Huck Finn Solar, LLC ("Huck Finn Solar"), which is the project company that will acquire all land rights, permits, and equipment; execute contracts with contractors for construction subject to significant input from Ameren Missouri; and take such other steps as necessary to complete the Project and render it operational in accordance with the terms of the BTA.

10. To minimize property taxes arising from ownership and operation of the Huck Finn Project, Huck Finn Solar has entered into a Chapter 100 financing arrangement with both Audrain and Ralls Counties, Missouri. This is the same structure utilized for Ameren Missouri's existing Audrain Energy Center and Peno Creek Energy Center. A Chapter 100 arrangement, so named because it is authorized by Chapter 100 of the Revised Statutes of Missouri, allows facilities to avoid ad valorem tax (i.e., property tax) obligations since title to the facility that is the subject of the arrangement will be owned by a tax-exempt entity, here, the counties. In lieu of paying what would be much higher property taxes if the facility were owned by Huck Finn Solar (and, ultimately, Ameren Missouri), the facility operator makes payments in lieu of taxes (PILOTS) to the counties, but in amounts much lower than the actual taxes would be if the facility were not tax exempt.

11. Specific to the Huck Finn Project, Ameren Missouri estimates that the Chapter

100 arrangement will save its customers approximately \$81.5 million over the expected 30-year life of the Project. The aggregate amount of the PILOT is estimated to be approximately \$11 million over that period, while the aggregate amount of property taxes the facility would generate absent the Chapter 100 arrangement is estimated to be \$92.55 million over that period. Workpapers reflecting these estimates have been provided to the parties.

12. To implement the arrangement, Huck Finn Solar will convey title to the facility, once constructed, to the counties and has subleased the Project site to the counties. The counties have then sub-sub-leased the Project site back to Huck Finn Solar. Huck Finn Solar has (and ultimately, Ameren Missouri will have) full rights to control and operate the facility. Once Ameren Missouri (through a subsidiary, as discussed below) buys Huck Finn Solar and then completes the mergers discussed below, Ameren Missouri will “step into the shoes” of Huck Finn Solar as lessor to the counties of the Project site, and lessee of the facility itself, the same as if Ameren Missouri had developed and built the Project and entered into the Chapter 100 arrangement initially.

13. As would have been the case with or without the Chapter 100 arrangement, at the Project’s Mechanical Completion, subject to the terms of the BTA, HFREC will pay 70% of the purchase price for the project company, Huck Finn Solar, to EDF Renewables, with the remaining 30% of the purchase price to be paid upon Substantial Completion shortly thereafter. HFREC will use funds provided to HFREC by Ameren Missouri. HFREC’s 70% payment at Mechanical Completion will vest ownership of Huck Finn Solar fully in HFREC.

14. Shortly thereafter, Huck Finn Solar will be merged into HFREC, and HFREC will be merged into Ameren Missouri, with Ameren Missouri surviving. Following those mergers, neither Huck Finn Solar nor HFREC nor Holdco will exist, resulting in direct Ameren Missouri

ownership of the lease interests under the Chapter 100 arrangement, just as Ameren Missouri owns the interests in its two other Chapter 100 generating facilities. These Huck Finn Solar – HFREC and HFREC – Ameren Missouri mergers will occur in sequence essentially at the same time. As is also the case with respect to Ameren Missouri’s other Chapter 100 generating facilities, at the conclusion of the Chapter 100 arrangement, Ameren Missouri will pay the counties \$1,000, ending the Chapter 100 arrangement and vesting title to the Project assets in Ameren Missouri.

15. Also, at the time of the above-referenced mergers, the entire Ameren Missouri investment in the Project will be reflected as plant in service on Ameren Missouri’s books; this is also the same treatment as given for Ameren Missouri’s other Chapter 100 generating facilities.

16. The Notice to Proceed deadline within the BTA is set at March 27, 2023, and the Project is expected to be fully operational by December 1, 2024, as further explained in witness Wibbenmeyer’s Direct Testimony. Ameren Missouri anticipates that the Project, once constructed, will generate enough energy to provide approximately 583,000 compliance solar RECs ("SRECs") annually, after factoring in the 1.25 multiplier for solar produced in Missouri as provided for by the RES.

**B. The Huck Finn Project is Necessary or Convenient for the Public Service ("Tartan Factors").**

17. The Tartan Factors are as follows:

- Need for the Huck Finn Solar Project;
- Economic Feasibility of the Huck Finn Solar Project;
- Ability of the Applicant to Finance the Huck Finn Solar Project;
- Qualifications of the Applicant to Construct the Huck Finn Solar Project; and
- Whether the Huck Finn Solar 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.

18. The Project is needed to allow Ameren Missouri to meet the Missouri RES requirements. As addressed in the Direct Testimonies of Company witnesses Wibbenmeyer and Forsberg, the Project will allow Ameren Missouri to meet the 15% RES requirement, under which Ameren Missouri must retire approximately \*\* RECs each year. The addition of the Huck Finn Solar Project is expected to fulfill the Company's RES compliance needs over a ten-year planning horizon.

19. The Huck Finn Solar Project is also economically feasible. As outlined in greater detail in Company witness Wibbenmeyer's Direct Testimony, constructing the Huck Finn Project pursuant to the BTA allows Ameren Missouri to take advantage of the developer's expertise in developing and constructing solar projects, while ensuring that the Project is built to Ameren Missouri's specifications so that it can provide long-term service to Ameren Missouri's customers. Constructing the Project pursuant to the BTA also allows the Company to take advantage of Production Tax Credits available for solar energy development, substantially lowering the overall cost of the Project for the benefit of the Company's customers. Finally, as outlined in Company witness Lindsey Forsberg's Direct Testimony, on a net present value of revenue requirement ("NPVRR") basis, the Project cost is reasonable and competitive based on

current market conditions and other available projects.

20. Ameren Missouri has the financial ability to construct the Project through the BTA because it can access the equity and debt capital necessary to do so while maintaining strong financial metrics.

21. Ameren Missouri is qualified to construct the Project through the BTA transactions, and to operate it upon acquiring ownership thereof, given the financial, technical, and management expertise Ameren Missouri has developed over the course of its long history as a large public utility operating in the state of Missouri. More specifically, Ameren Missouri currently owns and operates several utility-scale renewable generation facilities, including over 700MW of wind generation and 13 MW of solar generation.

**1. Requirements under 20 CSR 4240-20.045(3) are met.**

22. The facts demonstrating that the Project is necessary or convenient for the public service are discussed above, and provided in this Application, Ameren Missouri's direct testimony, and related schedules. (Subsection (A)).

23. The asset to be operated or constructed is not outside Missouri. (Subsection (B)).

**2. Requirements under 20 CSR 4240-20.045(5) are met.**

24. The Huck Finn Project is an approximately 200 MW-AC solar generation facility and is described in more detail above and in the Direct Testimony of witness Wibbenmeyer. (Subsection (A)).

25. The purchase price of the Project under the BTA is approximately \*\*\*  
\_\_\_\_\_, with the final total price being subject to adjustments as set forth in the BTA.

26. Ameren Missouri plans to finance the Project from funds obtained from its treasury consistent with the capital structure underlying its other rate base investments. (Subsections (B), (C)).

27. Plans and specifications for the asset are provided in the BTA documentation as Exhibit A included as Schedule SW-D2 to Company witness Wibbenmeyer's testimony.<sup>10</sup> (Subsection (D)).

**3. Requirements under 20 CSR 4240-20.045(6) are met.**

28. The Project site is described in detail in Exhibit 1 of the Scope of Work, which is Exhibit A to the BTA included as Schedule SW-D2 to witness Wibbenmeyer's testimony. (Subsection (A)).

29. The Project is located in unincorporated Audrain and Ralls Counties, Missouri. A list of all electric, gas, telephone conduits, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and underground facilities which the construction will cross is contained in Revised Application Schedule A submitted in this docket on July 25, 2022. (Subsection (B)).

30. Project plans and specifications can be found in Schedule SW-D2 to witness Wibbenmeyer's testimony. The Project is estimated to cost approximately \*\*\* \_\_\_\_\_ \*\*\*. The operational features of the asset once it is fully operational and used for service are discussed by witness Wibbenmeyer in his Direct Testimony and Schedules. (Subsection (C)).

31. The Notice to Proceed deadline within the BTA is set at March 27, 2023, and construction is scheduled to commence in approximately November 2023. The Project is expected to be fully operational by December 1, 2024. (Subsection (D)).

32. Project components including fencing, security systems, roads, select transformers, and the control house will be treated as common plant. (Subsection (E)).

33. Ameren Missouri's plans for financing the Project are finance the Project from funds obtained from its treasury consistent with the capital structure underlying its other rate base investments. (Subsection F)).

34. The Project is contemplated by the Company's new Preferred Resource Plan,

submitted to the Commission on June 22, 2022. (Subsection G)).

35. The Project was selected as part of a request for proposal process as discussed by witness Wibbenmeyer. Because the Company is not constructing the Project itself but is contracting to acquire through a BTA, any competitive bidding for design, engineering, procurement, construction management, and construction is the responsibility of the Project developer. (Subsection (H)).

36. The Project will be operated and maintained in the same manner and fashion as all of Ameren Missouri's existing generation is operated, including its existing renewable generation and existing Chapter 100 generating facilities. More specifically, the Huck Finn Solar Project will be operated by Ameren Missouri, with the operation of the facility managed by the Ameren Missouri Energy Management & Trading group, similar to the Company's other large-scale renewable generators such as the Atchison County and High Prairie wind farms and O-Fallon solar facility. Ameren Missouri will coordinate all operations with the Mid-Continent Independent System Operator (MISO), of which Ameren Missouri is a member. (Subsection (I)).

37. Ameren Missouri prepares and maintains emergency action plans for each of its energy centers and will prepare emergency action plans, which will include plans for restoration of safe and adequate service after significant, unplanned/forced outages at a future date closer to the time when the solar farm is nearing commercial operations. The plans for the Huck Finn Solar Project will include communications and response strategies related to natural disasters and other major events. (Subsection (J)).

38. Other than a short interconnection line and collector line substation built as part of the Project itself (i.e., a gen-tie line and associated collector substation), the Huck Finn Project includes no transmission voltage lines or transmission substations. All land rights have been

obtained for the gen-tie line and collector substation, and no other landowners are directly affected by electric transmission line routes or transmission substation locations related to the Project proposed in this Application. (Subsection (K)).

**WHEREFORE**, Ameren Missouri respectfully requests that the Commission issue a final order:

- Granting Ameren Missouri a CCN under subsection 1 of Section 393.170 authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a 200 MW solar generation facility, in Audrain and Ralls Counties, Missouri pursuant to a BTA with EDF Renewables, a copy of which is attached to the Direct Testimony of Ameren Missouri witness Scott Wibbenmeyer;
- Granting Ameren Missouri authority and permission under Section 393.190.1 to complete the mergers described in this Application, a determination that the completion of the mergers is not detrimental to the public interest, and waivers to the extent necessary of 20 CSR 4240- 10.105, 10.115;
- Granting a variance from the requirements in 20 CR 4240-20.045(3)(C) such that Ameren Missouri may: (1) provide as-built drawings after the facility is complete; and (2) submit its overview of plans for restoration of safe and adequate service after significant, unplanned/forced outages closer to the time when the Huck Finn Project will commence commercial operations;
- Issuing a Commission order granting the relief requested in this Application by February 28, 2023, so that the Project can be timely constructed as contemplated by the BTA; and
- Granting such other and further relief as may be appropriate under the circumstances.



RESPECTFULLY SUBMITTED,

/s/ James B. Lowery

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

Dated: January 4, 2023

**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 4th day of January, 2023, to counsel for all parties of record.

*/s/ James B. Lowery* \_\_\_\_\_

**James B. Lowery**