

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

In the Matter of Ameren Missouri's Request for a Variance)
Regarding its Renewable Energy Standard Compliance.)

Case No. EE-2023-_____

REQUEST FOR VARIANCE AND WAIVER OF 60-DAY NOTICE REQUIREMENT

COMES NOW, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), and for its request under 20 CSR 4240-20.100(11) for a variance from a portion of the Missouri Public Service Commission's ("Commission") Renewable Energy Standard ("RES") rules, specifically a portion codified at 20 CSR 4240-20.100(3)(J), and for a waiver of the 60-day notice requirement in 20 CSR 4240-4.017(1), states as follows:

**REQUEST FOR VARIANCE FROM 10% LIMITATION ON
2023 REC RETIREMENTS FOR COMPLIANCE YEAR 2022**

1. The Commission's regulations, at 20 CSR 4240-20.100(3)(J), require Ameren Missouri to retire 90% of the Renewable Energy Credits ("REC") needed to comply with the RES requirements during the compliance year (here, 2022), and retire no more than 10% of the required RECs in year following the compliance year (2023).

2. In its early years of compliance with the RES, the 90% retirement requirement did not cause a problem as Ameren Missouri had a bank of excess RECs at its disposal. However, as the RES requirements have increased, Ameren Missouri's REC bank has been depleted to the point that it now relies on RECs generated during the compliance year in order to meet the RES requirements.¹ Relying on generation that occurs during the compliance year is allowed by the MPSC regulations, however, there are practical impediments that come into play in that scenario.

3. The impediment is the amount of time it takes for a newly created REC to be verified

¹ The Company expects its bank will grow, as more renewable generation is added to its generation portfolio, but it is not yet at the point where it has significant excess RECs.

and show up in the North America Renewable Registry ("NARR") system for use (retirement) by the Company. RECs are not immediately available for use at the moment of generation. In fact, RECs are not transferred to the Company account in NARR until the month following receipt of a generation report from MISO, called the MISO S55 report. As an example of this delay, the Company will likely need to the RECs generated in October, November and December of 2022 in order to comply with the RES requirements for 2022. However, it will be unable to retire the RECs generated in those three months until the RECs have been verified and transferred into Company inventory, which likely does not occur until January, February and March of 2023, respectively. To do this would require Ameren Missouri to retire more than 10% of the RECs needed for 2022 compliance in 2023.

4. Ameren Missouri has requested this variance for multiple years at this point. The Company's request has been granted each year, but in the case for the 2021 compliance year (File No. EE-2022-0074), Staff commented that "Ameren Missouri already has the information needed in order to plan ahead to achieve compliance in the future."² As the Company indicated in its response to that Staff recommendation, Ameren Missouri would like to talk with Staff about this statement. Unfortunately, due to the press of other work, Ameren Missouri did not have a conversation with Staff prior to this filing but hopes to meet with Staff to discuss post filing.

5. The Company's variance request stems from the delay between when RECs are generated and when they become available in the NARRs system for retirement, a process over which Ameren Missouri has no control. As an alternative to this request, Ameren Missouri could build up its REC bank by purchasing RECs that it could retire during the current compliance year. The Company expects it could purchase around ** _____ ** RECs for around ** _____ ** per REC, for a total of approximately \$970,000. Taking this route, in Ameren Missouri's opinion, would

² File No. EE-2022-0074, Staff's Recommendation, filed Oct. 21, 2021, at paragraph 2.

result in an unnecessary additional almost one million dollars to be incurred for 2022 RES compliance. That said, if the Commission prefers that the Company comply by purchasing additional RECs rather than by requesting this variance, Ameren Missouri can certainly purchase more RECs.

6. Ameren Missouri submits that the 90% requirement forces the Company (and ultimately, its customers) to incur RES compliance costs for 2022 that it should be able to avoid.³ Ameren Missouri requests the Commission find there exists good cause to grant the Company a variance from the 90% requirement for REC retirements for compliance year 2022.

REQUEST FOR VARIANCE FROM 60-DAY NOTICE REQUIREMENT

7. 20 CSR 4240-4.017(1) requires a 60-day notice in advance of filing a case, with a “case” being defined as "Any matter filed before the commission for its determination except working dockets, rulemaking dockets, and investigatory dockets." 20 CSR 4240-4.015(1).

8. 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 issue likely to be in the case” A verified declaration meeting those requirements is attached to this Application. Consequently, good cause has been established.

WHEREFORE, Ameren Missouri requests the Missouri Public Service Commission grant it a variance from the provisions of 20 CSR 4240-20.100(3)(J) for the 2022 compliance year and requests that the Commission waive the 60-day notice requirement of 20 CSR 4240-4.017(1) for good cause shown, as set forth above.

³ There is some risk that, even with this variance, Ameren Missouri may need to purchase some RECs in addition to using generation from October, November and December of 2022. This need will depend on the level of generation the Company experiences.

Respectfully submitted,

/s/ Wendy K. Tatro _____

Wendy K. Tatro, #60261
Director and Assistant General Counsel
Ameren Missouri
P.O. Box 66149 (MC 1310)
1901 Chouteau Avenue
St. Louis, MO 63166-6149
(T) 314-554-3484
(F) 314-554-4014
AmerenMOService@ameren.com

**Attorney for Union Electric Company
d/b/a Ameren Missouri**

VERIFIED DECLARATION

I hereby declare that neither Ameren Missouri nor any other person on its behalf has had a communication with the office of the Commission regarding any substantive issue likely to be in the case created by this filing within the 150-day period prior to this filing.

Under penalty of perjury, I declare that the foregoing declaration is true and correct to the best of my knowledge and belief.

/s/ Warren Wood _____
Warren Wood
Vice-President Regulatory and
Legislative Affairs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request for 90% Variance was served on the following parties via electronic mail (e-mail) on this 10th day of October, 2022.

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

/s/ Wendy K. Tatro _____

Wendy K. Tatro