

**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-2020-_____

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 variances from portions of the Missouri Public Service Commission's ("Commission") Renewable Energy Standard ("RES") rules, specifically those codified at 20 CSR 4240-20.100(8)(A)II and J, and for a waiver of the 60-day notice requirement in 20 CSR 4240-4.017(1), states as follows:

INTRODUCTION

1. As part of its efforts to comply with Missouri's RES, Ameren Missouri has and may continue to purchase Renewable Energy Credits ("RECs") from various sources, as allowed by Missouri's Renewable Energy Standard ("RES"), specifically § 393.1030.1, RSMo (2016).

2. Ameren Missouri purchased RECs from third parties for compliance in calendar year 2019, as reported in its RES Compliance Report submitted in File No. EO-2020-0328. In Staff's Report on Ameren Missouri's RES Compliance Report, the Staff identified four subdivisions of 20 CSR 4240-20.100(8)(A) from which Staff recommended the Company obtain a waiver given that the information required by those subdivisions is for the most part literally not controlled or possessed by Ameren Missouri. Staff's Report also confirmed that it was able to independently access the required information or its equivalent by access to the North American Renewables Registry ("NAR"), which is the Commission's chosen vehicle for confirming the eligibility of RECs for RES compliance.

3. When Ameren Missouri submitted its RES Compliance Report, it was operating under the belief that variances granted in File No. EO-2012-0150 (relating to its RES Compliance

Report for calendar year 2011) covered the information it did not possess for its third-party REC purchases in 2020, but upon further review, agrees that those variances did not fully cover all of the subdivisions at issue. Consequently, by this Request Ameren Missouri asks the Commission to grant it a variance from the Commission's RES regulation for two types of REC purchases, for REC purchases from the Company's customers, and for RECs purchased from non-customers as long as those purchased RECs are lawfully registered with NAR.

REQUEST FOR VARIANCES FROM RES REPORTING RULE

3. Ameren Missouri's first variance request is from portions of 20 CSR 4240-20.100(8)(A)1(I), which governs information required for acquisition of RECs from non-customer owned generation ten (10) kW or greater. Ameren Missouri does not hold much of the information required by this portion of the rule and so requests a variance so that it is relieved of this obligation. However, the Commission is not without ability to obtain this information as almost all of the required information is available on the NAR. As the Commission may be aware, it has full access to view all of Ameren Missouri's accounts on the NAR. Ameren Missouri is attaching, as "Schedule 1 Confidential," screenshots from its NAR registry to illustrate the information already available to the Commission.

4. Turning to each requirement of part (8)(A)1I of the Commission's regulation:

A. (8)(A)1I(I) - (facility name, location and owner). The generating facility name can be found on the NAR in the column labeled "Asset" on the second, third and fourth pages of Schedule 1 Confidential attached hereto and incorporated herein by this reference. The entity who transferred the REC to Ameren Missouri can be found in the column labeled "Transferor," which may be the generation owner or a third party aggregator. The NAR, after clicking on a hyperlink in the column labeled "Quantity," shows the state in which the facility is located along with the facility name and the name

of the reporting entity contact company or organization name. Ameren Missouri does not have any information other than what is available from the NAR registry.

B. (8)(A)1I(II) – (the REC is from a renewable source, the REC has not been used elsewhere). This information is not in the possession of Ameren Missouri because NAR ensures those requirements are met. Accordingly, the Commission can be assured that these requirements have been met as long as the REC is registered in the NAR registry. Again looking at the second, third and fourth pages of Schedule 1 Confidential, if there is a "yes" in the column with the heading "MO," that means the REC comes from a facility that has been certified by the Missouri Department of Natural Resources and is in compliance with 20 CSR 4240-20.010. In addition, the NAR registry uses individual certificate serial numbers so as to ensure a REC can only be retired or used once. Ameren Missouri "retires" a REC by transferring it into the Commission's NAR account. Once the REC has been transferred into the Commission's account, it is the property of the Commission and no party (other than the Commission) can use that REC for any purpose.

C. (8)(A)1I(III) – (renewable technology). This information can be found in the NAR report, in the column labeled "Fuel/Project Type" (also on pages 2, 3 and 4 of Schedule 1 Confidential).

D. (8)(A)1I(IV) – (dates and amount of payments to owner of facility). While Ameren Missouri could provide the accounting settlement information, which may satisfy this requirement, it should not be necessary that it do so. At times, the payment may be made to an aggregator, rather than to the facility owner. In that circumstance, Ameren Missouri would not have this information at all. But again, the fact that a REC has been registered on the NAR registry substantiates the REC's legitimacy making this information unnecessary.

E. (8)(A)1I(V) (Meter reads) – Ameren Missouri does not have this information nor does it appear in the NAR report, but if the REC is certified, the Commission can be assured there is no double counting as the NAR will only allow a REC to exist in one location. So once it is transferred (retired) into the Commission's NARs account, it cannot be used again.

5. Ameren Missouri also requests a variance from one portion of 20 CSR 4240-20.100(8)(A)1J, which sets forth the information required for acquisition of RECs from customer owned generation. Section (8)(A)1J(III) asks for the interconnection date. Ameren Missouri's records will indicate the year but not the specific date of interconnection and so ask for a variance so that it can report only the year.

REQUEST FOR VARIANCE FROM 60-DAY NOTICE REQUIREMENT

6. 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).

7. 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 issue¹ likely to be in the case . . .” A verified declaration meeting those requirements appears below. Consequently, good cause has been established.

WHEREFORE, Ameren Missouri requests the Missouri Public Service Commission grant it variances from the provisions of 20 CSR 4240-20.100(8)(A)1I(I) thru (V) and 20 CSR 4240-

¹ The phrase “substantive issue” is defined by 20 CSR 4240-4.015(14).

20.100(8)(A)1J(III), and requests that it waive the 60-day notice requirement of 20 CSR 4240-4.017(1) for good cause shown, as set forth above.

Respectfully submitted,

/s/ James B. Lowery

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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 certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to all counsel of record on this 23rd day of June, 2020, to the Missouri Public Service Commission Staff and to the Office of the Public Counsel.

/s/ James B. Lowery
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