

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

In the Matter of Ameren Missouri’s Application for) File No. ET-2014-0350
Authorization to Suspend Payment of Solar Rebates) Tariff No. YE-2014-0494

APPLICATION FOR REHEARING

COMES NOW Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”), pursuant to Section 386.500, RSMo and 4 CSR 240-2.160 and herein apply for rehearing on the Commission’s “Order Approving Tariff” issued on August 20, 2014 in the above-styled case.

In submitting the Application for Rehearing, Renew Missouri does not object to Union Electric Company d/b/a Ameren Missouri’s (“Ameren Missouri”) application to cease payment beyond the “specified level” agreed to in the Non-Unanimous Stipulation and Agreement approved in Case No. ET-2014-0085. Renew Missouri simply observes that the Commission cannot legal grant Ameren Missouri the authority to suspend solar rebate payments without first making a determination on whether the Company has reached it’s 1% retail rate impact limit. This determination, required by Section 393.1030.3, RSMo, can only be accomplished following a thorough review of the utility’s mathematical calculation done in accordance with the requirements of 4 CSR 240-20.100(5) and Section 393.1030, RSMo. Furthermore, pursuant to 393.1030.3, the Commission may only authorize a suspension of solar rebate payments within 60 days of the utility’s application.

Renew Missouri asks that the Commission rehear the case and modify its Order for the following reasons:

The Commission Did Not Make the Required Determination that Ameren Missouri Had Reached or Would Reach its 1% Retail Rate Impact Limit

1. Section 393.1030.3, RSMo clarifies that a determination on the 1% retail rate impact is mandatory before the Commission may grant authorization to suspend solar rebate payments: (emphasis added)

The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached.... *If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension.* The electric utility shall continue to process and pay applicable solar rebates until a final Commission ruling...

2. On pg. 3 of its August 20th “Order Regarding Tariff,” the Commission approved Ameren Missouri’s tariff allowing the Company to suspend payment of solar rebates, finding: “the tariff Ameren Missouri filed complies with the Non-Unanimous Stipulation and Agreement in File No. ET-2014-0085.”

3. Crucially, the Commission refrained from making a determination that Ameren Missouri had reached its 1% retail rate impact limit, required by Section 393.1030.3 RSMo. As explanation for its reluctance to make a 1% determination, the Commission states in its Order: “[h]ere, the parties reached a Non-Unanimous Stipulation and Agreement as to the amount of solar rebates to be paid *in lieu of calculating the 1% rate cap.*” (emphasis added)

4. Nothing in the record either in this case or in File No. ET-2014-0085 indicates that the “stipulated amount” was meant to exist *in lieu of* the 1% retail rate impact. On the contrary, provisions of the Non-Unanimous Stipulation and Agreement indicate that the Section (5) 1% retail rate impact calculation would continue to be used with respect to solar rebates and RES compliance in general. Although parties disputed exactly how to calculate the 1%, the parties agreed that Ameren Missouri would “utilize the Staff’s methodology [for calculating the

1%] in future RES compliance filings until the RES rule is changed.” (see Non-Unanimous Stipulation and Agreement in File No. ET-2014-0085, pg. 4, ¶ 7.b).

5. The agreed-upon “specified amount” did not negate the need for an annual Section (5) 1% calculation. Rather, the specified amount was arrived at only after careful analysis and extrapolation of the likely annual 1% retail rate impacts over the subsequent ten years. Although immediate solar rebate expenditures in 2013-2014 would likely exceed the Company’s annual 1% retail rate impact limit, these “lumpy” investments were to be apportioned such that the average retail rate impact over ten years would not exceed 1%. Accordingly, Ameren Missouri’s annual Section (5) calculation remains an essential and mandatory aspect of its RES compliance.

6. As further evidence that a 1% retail rate impact determination is still necessary in this proceeding, Ameren Missouri itself requested that the Commission determine whether the Company had reached its 1% retail rate impact: (see “Application for Authority to Suspend Payment of Solar Rebates,” in File No. ET-2014-0350, pg. 4)

Ameren Missouri respectfully requests that the Commission authorize it to suspend solar rebate payments by confirming Ameren Missouri’s calculation of the 1% Maximum Average Retail Rate Increase and approve a tariff change that allows the Company to cease paying rebates after it has paid out the entire \$91.9 million.

Here, Ameren Missouri concedes that a Commission determination on the 1% is necessary for the Company to receive authorization to suspend solar rebate payments.

7. Furthermore, the Commission lacks the legal authority to avoid certain statutory requirements of Section 393.1030.3, RSMo or to find that agreements between parties can be taken “in lieu of” provisions of a Missouri statute. Regardless of any agreements between parties, the requirements of Section 393.1030.3 are clear and unambiguous: the Commission must

determine that a utility has reached or will reach its 1% retail rate impact limit in order to grant the utility authority to suspend solar rebate payments.

**The Commission Failed to Approve Ameren Missouri's
Tariff Application Within the 60 Day Time Period**

8. Section 393.1030.3, RSMo states: "The commission shall rule on the suspension filing within sixty days of the date it is filed." Ameren Missouri filed its Application on May 23, 2014. The Commission issued its Order Regarding Tariff on August 20, 2014, well beyond the 60-day deadline.

9. Accordingly, Ameren Missouri failed to receive authorization to suspend payment of solar rebates, and the Commission's August 20 Order is of no effect.

WHEREFORE Renew Missouri prays that the Commission rehear the case and amend or modify its order in accordance with this Application.

Respectfully Submitted,

/s/ Andrew J. Linhares

Andrew J. Linhares, # 63973

910 E Broadway, St. 205

Columbia, MO 65201

(314) 471-9973 (T)

(314) 558-8450 (F)

andrew@renewmo.org

ATTORNEY FOR EARTH ISLAND
INSTITUTE d/b/a RENEW MISSOURI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by electronic mail to all parties of record on this 29th day of August, 2014.

/s/ Andrew J. Linhares

Andrew J. Linhares