

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

In the Matter of the Renewable Energy Standard)
Compliance Report 2013 and Renewable Energy) File No. EO-2014-0291
Standard Compliance Plan 2014-2016)

**COMMENTS OF RENEW MISSOURI AND
MOTION FOR LEAVE TO FILE OUT OF TIME**

COMES NOW Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”), pursuant to 4 CSR 240-20.100(7)(E), and offers the below comments regarding Union Electric Company d/b/a Ameren Missouri’s (“Ameren Missouri”) 2013 RES Compliance Report and 2014-2016 RES Compliance Plan. In addition, Renew Missouri moves that the Commission permit it to file these comments out of time, pursuant to 4 CSR 240-2.050(3)(B).

INTRODUCTION

1. These comments are intended to bring compliance issues to the Commission’s attention. Some of these comments involve violations of both Missouri law and the Commission’s regulations. However, the Commission’s August 15, 2012 Notice in File No. EO-2012-0351 indicated that the Commission did not intend to take any further action on comments alleging violations of the RES law or the Commission’s regulations unless they were formally brought as complaints, pursuant to 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.

2. Renew Missouri recognizes that the Commission is not required by law to take action on comments. However, the Commission is nonetheless tasked with enforcement of Missouri’s Renewable Energy Standard (§ 393.1025-1030, RSMo) and implementing its regulations at 4 CSR 240-20.100. Renew Missouri asks that the Commission consider issuing orders to correct the issues identified in these comments if it determines that it is prudent to do

so. Such action may avoid time-consuming complaint cases and provide greater foreseeability for all stakeholders involved.

COMMENTS ON AMEREN MISSOURI'S 2013 COMPLIANCE REPORT

A. Ameren Missouri attempts to retire RECs from hydro facility larger than 10 MW

3. On pg. 10 of its Report, Ameren Missouri states that it retired 431,098 RECs from its Keokuk Hydroelectric Generating Station for RES compliance in 2013.

4. Renew Missouri believes that RECs produced from Keokuk do not qualify for RES compliance. Renew Missouri has argued so in File No. EC-2013-0377, et al., as well as in previous RES Compliance comments.

5. Furthermore, Renew Missouri has made a formal request to the Division of Energy, the Department of Economic Development, and the Governor to clarify that the RES law's 10 MW limitation on hydropower applies on a facility-wide basis. Renew Missouri urges the Commission to use its authority to enforce the RES law's clear limit on the size of qualifying hydroelectric resources to 10 MW by clarifying that the limitation applies on a facility-wide basis.

B. Ameren Missouri attempts to retire RECs unassociated with energy sold to Missouri customers.

6. On pg. 10 of its Report, Ameren Missouri states that it retired 14,812 vintage 2012 and 2013 SRECs purchased from various third parties order to meet its 2013 solar compliance obligation. These SRECs do not represent energy that's been sold to Missouri customers or delivered to Missouri.

7. Renew Missouri considers the attempted retirement of these SRECs to be in violation of the RES statute at Section 393.1030.1, RSMo.: "The portfolio requirements shall

apply to *all power sold to Missouri consumers* whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs.” (emphasis added).

8. Renew Missouri has raised this issue in multiple cases, including File No. EC-2013-0377, et al and previous RES Compliance comments. We raise the issue in this case to reiterate that we consider Ameren Missouri to be in continual non-compliance with Missouri’s RES. Renew Missouri urges the Commission to use its authority to enforce Section 393.1030.1, RSMo to require that all renewable energy used for compliance must be actually sold to Missouri customers.

COMMENTS ON AMEREN MISSOURI’S 2014-2016 COMPLIANCE PLAN

A. Ameren Missouri fails to include a calculation of its 1% Retail Rate Impact pursuant to 4 CSR 240-20.100(5).

9. As noted in the Comments of Karl R. Rábago on Behalf of MOSEIA in this case, Ameren Missouri has not performed a calculation according to the requirements of 4 CSR 240-20.100(5). Furthermore, the Company has not included such a calculation in its 2014-2016 RES Compliance Plan (“Plan”), as required by 4 CSR 240-20.100(7)(B)1.F.

10. Instead, Ameren Missouri distributed a highly confidential spreadsheet document to stakeholders entitled “2014 IRP RES Compliance Filing Model.” This model identifies both an unconstrained compliance scenario (i.e. the size and timing of resources that would be needed to meet the portfolio requirements over the next years without regard to cost), as well as a compliance scenario constrained to 1% of the Company’s anticipated average revenue requirement over the next 10 years. However, this simple “1% of anticipated revenue

requirement” approach has little connection with Section (5) of the Commission’s rule at 4 CSR 240-20.100, which specifically sets forth how the retail rate impact is to be calculated.

11. The Commission should find Ameren Missouri in violation of 4 CSR 240-20.100(7)(B)1.F as well as the Stipulation and Agreement approved in File No. EC-2013-0381, both of which require the Company to perform and disclose its Section (5) calculation. The Commission should then order Ameren Missouri to file a detailed 1% retail rate impact calculation for 2014-2016 that complies with the requirements of 4 CSR-240.20.100(5).

B. Ameren Missouri plans to use RECs unassociated with power sold to Missouri customers, in violation of the Stipulation and Agreement, File No. ET-2014-0085.

12. On pg. 8 of its Plan, Ameren Missouri states: “For the 2014 compliance year Ameren will use SRECs that have been banked through purchases with Gainesville Regional Utilities, Orlando Utilities, and 3Degrees.”

13. From Ameren Missouri’s “2014 IRP RES Compliance Filing Model” spreadsheet, it is apparent that Ameren Missouri expects to meet its 1% retail rate impact limit over the next 3 years.¹

14. Based on its 2014 plans and its expectation of reaching its 1% retail rate impact limit in 2014, Ameren Missouri appears to be in violation of paragraph 7(h) of the Stipulation and Agreement approved in File No. ET-2014-0085. This paragraph states:

When adjusting downward the proportion of renewable energy resources pursuant to rule 4 CSR 240-20.100(5)(D), Ameren Missouri agrees to give first priority to reducing or eliminating the amount of renewable energy credits ("RECs") unassociated with electricity delivered to Missouri customers.... Ameren Missouri agrees, where it is prudent to do so, to make a good-faith effort to utilize only RECs or SRECs associated with electricity delivered to Missouri customers when it retires RECs or SRECs.

¹Ameren Missouri has used its simple “1% of anticipated revenue requirement” methodology and not using the methodology spelled out in 4 CSR 240-20.100(5). But for purposes of this section, we will treat them as accurate.

15. The Commission should find Ameren Missouri's Plan to be in violation of the above Stipulation provision and order the Company to revise its Plan not to include the purchase of RECs unassociated with electricity delivered to Missouri customers.

WHEREFORE, Renew Missouri offers the above comments for the Commission's consideration in this case.

MOTION FOR LEAVE TO FILE COMMENTS OUT OF TIME

1. Renew Missouri's attorney was unable to meet the July 30, 2014 deadline established by the Commission due to unforeseen obligations.

2. Allowing Renew Missouri to file comments in this case will assist the Commission's record for making a decision

3. Granting this motion will not prejudice any other party in this case.

Wherefore, Renew Missouri requests that it be permitted to file the above comments in this case beyond the June 30, 2014 deadline established by the Commission.

Respectfully Submitted,

/s/ Andrew J. Linhares

Andrew J. Linhares, # 63973
910 E Broadway, Ste. 205
Columbia, MO 65203
andrew@renewmo.org
(314) 471-9973 (phone)
(314) 558-8450 (fax)

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 2nd day of July, 2014.

/s/ Andrew J Linhares

Andrew J Linhares, # 63973