

**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 a Certificate of Convenience and) **File No. EA-2023-0226**
Necessity to Construct, Own, Operate and)
Maintain a Transmission Switchyard in)
Callaway County, Missouri)

**MOTION FOR LEAVE TO AMEND STAFF’S PLEADING,
REPLY TO COMPANY’S RESPONSE AND
AMENDED STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and in response to the Commission’s January 13, 2023, *Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation* (“Order”) and its March 2, 2023, *Order Extending Time to File Staff’s Recommendation* submits its Motion for Leave to Amend Staff’s Pleading, Staff’s Reply to Company’s Response, and *Staff’s Amended Recommendation* to the Commission as set forth in detail in the original appendices, and in support thereof states as follows:

1. On January 13, 2023, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed an application for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control a new 345 kV switchyard and associated facilities in Callaway County, Missouri. Ameren Missouri also requested a waiver of the 60-day notice requirement of 20 CSR 4240-4.017(1).

2. On January 13, 2023, the Commission further ordered that any person wishing to intervene in this matter, must do so by February 14, 2023, and Staff to file a recommendation about Ameren Missouri’s request or a status report indicating when it will file its recommendation by March 1, 2023.

3. As of February 14, 2023, no parties have objected or moved to intervene in this matter.

4. On February 28, 2023, Staff filed its Status Report with the Commission and Staff proposed to submit its recommendation by May 1, 2023.

5. On March 2, 2023, the Commission granted Staff's request and Ordered Staff to file its recommendation by May 1, 2023.

6. On May 1, 2023, Staff filed its Recommendation and on May 11, 2023, Ameren Missouri filed its Response to Staff's Recommendation.

7. Ameren Missouri agreed with Staff's Recommendation with the exception of Conditions D and E.

8. Staff's Recommendation was attached to the original Staff Recommendation as Appendix A. As discussed in Staff's Memorandum, Staff examined the Application, its appendices, prior discussions with Ameren Missouri and current discovery responses.

9. Ameren Missouri objected to certain language in Staff's recommended Condition D and represents that Ameren Missouri will pursue additional authority to construct network upgrades outside its service territory. Staff appreciates the Company's clarification on that point, however, the purpose of Condition D is simply so that Staff receives notice and certain documentation from Ameren Missouri in the event there are changes to the Burns Switchyard resulting in additional investment and/or expansion. Staff has amended Condition D to reflect this clarification. Ameren Missouri also pointed out Condition E is unnecessary, Staff has thus removed that Condition from its recommendation.

10. As discussed in detail in the accompanying Staff Report in the Original Staff Recommendation, Staff supports the issuance by the Commission of a CCN to construct, install, own, operate, maintain, and otherwise control a new 345 kV switchyard and associated facilities (“Burns Switchyard”) in Callaway County, Missouri, subject to the following Amended conditions:

A. Provide copies of final engineering drawings of the Burns Switchyard project and all connections when available.

B. Provide copies of all county and city permits or approvals necessary to complete the proposed project when available.

C. As a condition of granting the requested CCN, Staff recommends that the Commission require Ameren Missouri implement landowner and land management policies consistent with what was ordered in the Mark Twain Project, Case No. EA-2017-0345 as Schedule DJB-02, Exhibit C of the Unanimous Stipulation and Agreement (attached hereto as Appendix A), to be developed in cooperation with Staff.¹

D. Ameren Missouri to provide notice and copies of any agreement if there are changes to the Burns Switchyard. Ameren Missouri will provide all signed agreements and/or contracts related to said investment and/or expansion.

11. Notwithstanding its recommendation to approve this transaction, Staff does not recommend, accept, agree, consent or acquiesce to any ratemaking principle or procedural principle, including, without limitation, any method of cost or revenue

¹ Staff would note that conditions regarding landowners and land management have been granted in the past. In EA-2015-0145, ATXI agreed to follow certain construction, clearing, maintenance, repair, and right-of-way practices regarding landowners and land management proposed by Staff. In Case No. EA-2015-0146, the Commission ordered ATXI to follow the construction, clearing, maintenance, repair, and right-of-way practices set out in Schedule DB-R-2. In EO-2002-351, the Commission ordered that AmerenUE follow certain construction, clearing, maintenance, repair, and right-of-way practices regarding landowners and land management for Union Electric Co.’s proposed Callaway-Franks Transmission Line.

determination or cost allocation or revenue related methodology, as it pertains to either general rate case or fuel adjustment clause treatment. Further, Staff's recommendation to grant the requested CCN, as described above, is limited to the description of the size, operation, and uses of the CCN described in this docket.

12. Staff also notes that Ameren Missouri has filed its annual report and is not delinquent on any assessments.

13. Furthermore, the Company's Response to Staff's Recommendation was filed on May 11, 2023, as set forth in paragraphs 6 and 7, and Staff's Reply to the same was due on May 22, 2023. Staff Counsel was out of state on State business and did not return until May 22, 2023. Therefore, Staff requests the Commission to grant Staff leave to amend its pleading and Reply to the Company's Response, and accept the pleading filed concurrently.

WHEREFORE, for the reasons stated above and in Staff's original Staff Memorandum attached to the Original Pleading as Appendix A, Staff recommends the Commission issue an order approving the application submitted by Ameren Missouri, subject to the conditions set forth above, waiving the 60-day notice requirement under 20 CSR 4240-4.017(1)(D), and respectfully requests the Commission grant Staff leave to amend its pleading and Reply, and accept this amended pleading filed concurrently.

Respectfully submitted,

/s/ J. Scott Stacey

J. Scott Stacey
Senior Staff Counsel
Missouri Bar No. 59027
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-522-6279
573-751-9285 (Fax)
scott.stacey@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 23rd day of May, 2023.

/s/ J. Scott Stacey