

**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 Necessity for a Solar Facility,) File No. EA-2022-0245
Approval of a Subscription-Based Renewable)
Energy Program, and Authorization to Establish)
Tracking Mechanism)

APPLICATION

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), pursuant to Sections 393.170.1, 393.190.1, and 393.140, RSMo.,¹ 20 CSR 4240-2.060, 20 CSR 4240-20.045, and 20 CSR 4240-20.015(10), and hereby submits to the Missouri Public Service Commission ("Commission") its Application requesting the following:

- A Certificate of Convenience and Necessity ("CCN") under subsection 1 of Section 393.170² authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a 150 megawatt ("MW") solar generation facility to be constructed in White County, Illinois (the "Boomtown Solar Project" or "Project") pursuant to a Build Transfer Agreement ("BTA") with Boomtown Solar Holdings LLC (the "Project"), a copy of which is attached to the Direct Testimony of Ameren Missouri witness Scott Wibbenmeyer and filed concurrently with this Application;

¹ All statutory references are to the Revised Statutes of Missouri (2016), unless otherwise stated.

² The Company requests permission and authority to construct the Project via the BTA structure discussed herein, consistent with the permission and authority the Commission granted it for its prior renewable generation projects constructed using a BTA structure. The Company notes, however, that this Application could be viewed as an application to operate an existing asset under 20 CSR 4240-20.045(5) which was adopted pursuant to subsection 2 of section 393.170. Should the Commission view it as such, the Company requests that permission to operate it in lieu of, or in addition to, the permission sought under 20 CSR 4240-20.045(6) and Section 393.170.1.

- Authority to engage in the transactions by which Ameren Missouri, through various subsidiaries, proposes to construct and finance the Project, including transactions under the BTA and utilizing a tax equity partnership ("TEP"), as explained further below and in Company witnesses Wibbenmeyer's and Mitchell Lansford's Direct Testimonies;
- Authority under Section 393.190.1 to complete the mergers and asset transfers described later in this Application once the TEP no longer exists and a determination that doing so is not detrimental to the public interest;³
- Authorization to record its investment in, and the costs to operate, the Project as described in Company witness Lansford's Direct Testimony;⁴
- Approval of the arrangements between the Company and affiliates necessary to own and operate the Project upon its completion including via a TEP, including waivers of 20 CSR 4240-20.015(2) and (3) as described herein and discussed in Company witness Lansford's Direct Testimony;
- Issuance of a Commission order granting the relief requested in this Application by March 31, 2023 so that the Project can be timely constructed to take advantage of the full value of available federal Investment Tax Credits ("ITCs");
- Approval of the Renewable Solutions Program ("Renewable Solutions" or "Program") tariff sheets submitted in this docket, so that the Project can be utilized in support of Phase 1 of the Program;

³ And, to the extent necessary, waivers of the specific detailed requirements of 20 CSR 4240-10.105, -10.115.

⁴ Including to the extent necessary a waiver of the requirements of 20 CSR 4240-20.020(1) respecting recordation of energy and capacity revenues received from the Project's energy production and capacity.

- Authorization to track Program revenues to ensure that they are reflected as an amortization to reduce the revenue requirement in future electric rate reviews for the benefit of all customers; and
- For such other and further relief as may be appropriate.

In support of these requests, Applicant states as follows:

I. APPLICANT

1. Union Electric Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Ave., St. Louis, Missouri 63103. Applicant is engaged in providing electric and natural gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. There is already on file with the Commission a certified copy of Applicant's Articles of Incorporation (See Case No. EA-87-105), and Applicant's Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. GN-2011-0070 and EN-2011-0069). Said documents are incorporated herein by reference and made a part hereof for all purposes. A Certificate of Corporate Good Standing for Applicant is attached as Schedule A.

2. Filings, notices, orders and other correspondence and communications concerning this Application should be addressed to the undersigned counsel and to:

Steve Wills
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, MO 63166-6149
swills@ameren.com

3. Ameren Missouri has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

4. Applicant has no overdue annual report or assessment fees.

5. A 60-day notice with respect to the authority sought herein was filed on March 14, 2022 and assigned the above-captioned file number.

II. REQUEST FOR CCN AND FOR SECTION 393.190.1 AUTHORITY

A. Boomtown Solar Project Description.

6. Applicant requests a CCN for the Boomtown Solar Project. The Project is a 150 MW-AC solar generation facility in White County, Illinois, to be connected to the transmission system under the functional control of the Midcontinent Independent System Operator, Inc. ("MISO"), and which is to be acquired by Ameren Missouri under the BTA and financed in part through the TEP. More specifically, upon completion and financing of the Project, Ameren Missouri, through subsidiaries owned and controlled by Ameren Missouri, will acquire the Project from the Project developer, Boomtown Solar Holdings LLC (the "Developer" or "Boomtown Holdings"), with Ameren Missouri's interest to reside in a tax equity partnership in which it will hold a majority interest, the operations of which will be run by Ameren Missouri. The remaining interest in the TEP will be held by the tax equity partner who is providing a portion of the financing for the Project, as addressed in the Direct Testimony of Company witness Lansford. As discussed further below, the Project has been fully subscribed for its first 15 years of operation by subscribers in the proposed Renewable Solutions Program for which approval is also being sought in this Application. Applicant requests issuance of a CCN independent of its request for approval of the

Renewable Solutions Program, as the Project is needed and otherwise meets the *Tartan Factors* (discussed below) irrespective of its support for the Renewable Solutions Program.

7. As noted, the Boomtown Solar Project will be constructed pursuant to the BTA, which is between Ameren Missouri subsidiary BREC Holding Company LLC (a subsidiary of Ameren Missouri Renewables Holdco, LLC ("Holdco"))⁵ and also referred to as the Purchaser) and Boomtown Solar Holdings, LLC (a subsidiary of Invenergy Renewables). Under a build-transfer-own structure, as reflected in the BTA, the facility is specifically constructed for the ultimate owner and to the ultimate owner's specifications. Consequently, while it is true that Ameren Missouri is not literally the constructor, Ameren Missouri will ultimately own and operate the Project. Thus, Ameren Missouri seeks a CCN in accordance with Section 393.170.1 and 20 CSR 4240-20.045.⁶

8. Project completion is expected by October 31, 2024.

9. To complete the Project, Boomtown Holdings has formed a special-purpose entity, Boomtown Solar Energy LLC, which will acquire all land rights, permits, and equipment; execute contracts with contractors for construction subject to significant input from Ameren Missouri; and take such other steps as necessary to complete the Project and render it operational in accordance with the terms of the BTA.

10. At the Project's Mechanical Completion, Holdco plans to sell an interest in BREC (currently estimated to be between approximately 33-40%) to the tax equity partner, who is expected to provide a portion of the financing for the Project as discussed in the Direct Testimony

⁵ Holdco is a wholly-owned subsidiary of Ameren Missouri.

⁶ This same BTA build-transfer-own type structure is very similar to the BTA's used to develop Ameren Missouri wind generation facilities approved by the Commission in 2018 and 2019. *See, e.g.,* File Nos. EA-2018-0202 (High Prairie Energy Center) and EA-2019-0181 (Atchison Energy Center f/k/a Outlaw). *See* footnote 2 above respecting the Company's request that the Commission also grant any permission required by subsection 2 of Section 393.170.

of Company witness Lansford. As a result, BREC will become the TEP, which will own the Project.

11. At the same time, and subject to the terms of the BTA, BREC will pay *** ___*** of the purchase price for the project company, Boomtown Solar Energy LLC , to Boomtown Solar Holdings LLC, using funds provided to BREC by Ameren Missouri (via Holdco) and the tax equity partner.

12. Boomtown Solar Holdings LLC will then complete the Project. At that time, the tax equity partner will provide the remainder of its investment contribution and BREC will pay the remaining *** ___*** of the purchase price, vesting ownership of Boomtown Solar fully in BREC.

13. As discussed by witness Lansford in his Direct Testimony, allocations of all TEP benefits and costs to be distributed to the partners will be defined in the partnership agreement (i.e., the limited liability company agreement). The tax equity partner will receive tax credits, depreciation, and a minority of cash from the Project until it recaptures its investment. Once the tax equity partner's after-tax internal rate of return achieves its target yield, which is also specified in the partnership agreement, the allocations available to the tax equity partner then reduce, or "flip." From this point forward, the tax equity partner will be allocated considerably less benefits arising from partnership operations.

14. After this "flip date," Ameren Missouri, through its subsidiary Holdco, would have the option to purchase the tax equity partner's remaining interest in the partnership at fair market value. The Company expects to be able to exercise its buyout option in year 10 at a price of approximately *** _____***. After the Company does so, Boomtown Solar will be merged into BREC, and then BREC will be merged into Holdco. Following those mergers, neither

Boomtown Solar nor BREC will exist, and Holdco will then transfer the Project assets to Ameren Missouri, resulting in direct Ameren Missouri ownership just as Ameren Missouri owns its other generation facilities. These mergers and the asset transfer will occur in sequence essentially at the same time.

15. At that time, the buyout amount will be recorded as plant-in-service, so that the entire Ameren Missouri investment in the Project assets will be reflected as plant in service on Ameren Missouri's books. Until that time, only Ameren Missouri's actual investment in the Project (currently expected to be between 60 and 67 percent of its total cost) will be reflected as plant-in-service on Ameren Missouri's books, since the rest of the total cost will be held by the TEP until the buyout date.⁷

B. The Project is Necessary or Convenient for the Public Service ("Tartan Factors").⁸

16. The Tartan Factors are as follows:
- a. Need for the Project;
 - b. Economic Feasibility of the Project;
 - c. Ability of the Applicant to Finance the Project;
 - d. Qualifications of the Applicant to Construct the Project; and
 - e. Whether the Project is in the Public Interest.

⁷ Under this financing structure, there will be two mergers and one asset transfer ultimately resulting in 100% Ameren Missouri ownership of the facility. Consequently, Ameren Missouri also seeks authority in this Application under Section 393.190.1 to accomplish the mergers and asset transfer and a finding that the same are not detrimental to the public interest. Ameren Missouri also requests that the Commission waive, to the extent necessary, the provisions of 20 CSR 4240-10.105, 10.115, and find that the information provided in this Application and the accompanying direct testimony is sufficient to warrant the permissions requested herein under Section 393.190.1

⁸ While a project is not required as a matter of law to meet the "Tartan Factors," the Commission has traditionally analyzed CCN applications using those factors. See *In Re Tartan Energy*, GA-94-127, 3 Mo.P.S.C.3d 173, 177 (1994).

An affirmative finding on the first four factors generally leads to the conclusion that the final factor, public interest, is satisfied.⁹

17. The Project is needed and is in the public interest for several reasons. As addressed in the Direct Testimonies of Company witnesses Ajay Arora and Matt Michels, the Project is consistent with the Company's 2022 Preferred Resource Plan submitted in File No. EO-2022-0362 and is the first step in the sustained transition to renewable energy resources the Company needs to accomplish as it substantially lessens its reliance on fossil fuel-fired generation. Like the Preferred Resource Plan reflected in in the Company's 2020 Triennial Integrated Resource Plan ("IRP") filing, the new Preferred Resource Plan clearly reflects a need for a gradual but sustained transition to renewable energy resources for the following primary reasons:

- a. **Aging Coal Fleet** - Ameren Missouri will need energy and capacity resources to meet customer demand and reserve margin requirements as the coal-fired generation is retired at the end of its useful life.
- b. **Low Cost, Emission-Free Energy** - Renewable resources represent the lowest cost as well as emission-free sources of replacement energy.
- c. **Increasing Environmental Regulations** - The large-scale expansion of renewable resources provides significant risk mitigation to Ameren Missouri's portfolio, particularly with respect to potential for additional environmental regulations, changes in climate policy and carbon dioxide ("CO₂") prices, and other factors that may significantly affect the operating costs and benefits of its existing coal-fired resources.
- d. **Reliability and Resilience** - Ameren Missouri's addition of new renewable resources during continued operation of existing resources is a prudent approach and ensures reliable, resilient and affordable energy for our customers during the transition.
- e. **The Risk of Inaction** – Delaying the inevitable shift to renewables creates significant implementation risk. The transition will require a very large-scale expansion of renewable generation at the same time that other utilities and states are pursuing the same. A task of this magnitude must be implemented over time in order to be successful. This is the case since each renewable energy project takes 5 to 8 years to develop and construct, requires

⁹ *Id.* at 189 (citing *In re: Intercon Gas, Inc.*, 30 Mo. P.S.C. at 561).

geographical diversity of projects for reliability and requires navigating several implementation risks, such as delays in the development or completion of projects, lost opportunities for more viable projects, and the potential for financing constraints and increases in financing costs.

- f. **Opportunities for Tax Benefits** - Initiating renewable resource builds in the nearer term provides the opportunity to realize tax incentives for customers and thus lower the overall cost of adding needed renewables.

Focusing specifically on item (e) above, as discussed in detail in witness Arora's Direct Testimony, there are numerous implementation risks and challenges associated with development of renewable energy resources that can only be effectively managed if the Company starts to transition now, and then steadily continues that transition over the next approximately 15 years. Analysis commissioned by the Company to quantify implementation risks that could be reasonably quantified indicates that if those risks materialize, they could raise the net present value of revenue requirement for the Company's customers as compared to a case where the transition is not started and steadily maintained by hundreds of millions of dollars.

18. And as witness Michel's Direct Testimony discusses, a comparison of the Renewable Transition plan (of which the Boomtown Project is a start) to the Renewables When Needed plan demonstrates that the former plan's net present value of revenue requirement is \$632 million less than the latter.¹⁰

19. The Project is also economically feasible and in the public interest. As outlined in greater detail in Company witness Wibbenmeyer's Direct Testimony, constructing the Project, which was identified and selected through a competitive Request for Proposals process, pursuant to the BTA allows Ameren Missouri to take advantage of the developer's expertise in developing and constructing solar projects, while ensuring that the Project is built to Ameren Missouri's

¹⁰ In the probability weighted average case.

specifications so that it can provide long-term service to Ameren Missouri's customers — first to subscribers in the Renewable Solutions Program discussed later in this Application — and ultimately as part of Ameren Missouri's overall generation fleet used to serve all customers through the end of its 30-year useful life. Constructing the Project pursuant to the BTA with expected completion in 2024 also allows the Company to take full advantage of Investment Tax Credits available for solar energy development, substantially lowering the cost of the Project for the benefit of the Company's customers.¹¹ Further, under current tax law and given current market conditions for tax equity partners, the tax equity structure optimizes the customer benefits of the Project, lowering the cost of the generation transition plan reflected in the Company's IRP. Specifically, use of tax equity financing lowers the Project costs by approximately \$35 million on a net present value basis. Finally, as outlined in Company witness Lindsey Forsberg's Direct Testimony, on a net present value of revenue requirement basis, the Project cost is reasonable and competitive based on current market conditions and other available projects.

20. Ameren Missouri has the financial ability to construct the Project through the BTA because it can access the equity and debt capital necessary to do so while maintaining strong financial metrics.

21. Ameren Missouri is qualified to construct the Project through the BTA and TEP transactions, and to operate it upon acquiring ownership thereof, given the financial, technical, and management expertise Ameren Missouri has developed over the course of its long history as a large public utility operating in the state of Missouri. More specifically, Ameren Missouri currently

¹¹ As discussed in Company witness Wibbenmeyer's direct testimony, the Project can receive the full ITC value if completed in 2025 but there are other potential advantages of completing it in 2024, such as the possibility that international tariff issues involving solar panels could impose higher costs for panels acquire later in 2024 or beyond.

owns and operates several utility-scale renewable generation facilities, including over 700 MW of wind generation and 13 MW of solar generation.

C. Requirements under 20 CSR 4240-20.045(3) are met.

22. The facts demonstrating that the Project is necessary or convenient for the public service are discussed above and in Ameren Missouri's direct testimony, and related schedules. (Subsection (A)).

23. Because Ameren Missouri only serves customers located in the state of Missouri, there are no costs to be allocated to another jurisdiction regardless of whether the facility is located outside the state (as is true with other Ameren Missouri generation located in the states of Illinois and Iowa) (Subsection (B)).

D. Requirements under 20 CSR 4240-20.045(5) are met.

24. The Boomtown Project is an approximately 150 MW-AC solar generation facility and is described in more detail above and in the Direct Testimony of witness Wibbenmeyer. (Subsection (A)).

25. The total cost of the initial construction of the Project is approximately *** _____ ***. (Subsection (B)).¹²

26. The purchase price of the Project under the BTA is approximately *** _____ ***, with the final total price being subject to adjustments as set forth in the BTA.

27. Ameren Missouri's plans for financing the operation of the Project are discussed above and in the Direct Testimony of witness Lansford. (Subsection (C)).

¹² This is the cost in the base case, addressed in Company witness Forsberg's direct testimony. The actual cost could vary as discussed in that testimony.

28. Plans and specifications for the asset are provided as Exhibit A, "Scope of Work", to the BTA, which is included as Schedule SW-D1 to Company witness Wibbenmeyer's testimony. (Subsection (D)). The Company plans to provide as-built drawings after the facility is complete and asks the Commission to grant it a variance from the requirement in 20 CSR 4240-20.045(3)(c) that they be provided prior to exercise of the authority under the CCN.

E. Requirements under 20 CSR 4240-20.045(6) are met.

29. The Project site is described in detail in Exhibit 1, "Site Plan", of the Scope of Work (Exhibit A to the BTA). The BTA is Schedule SW-D2 to the Direct Testimony of Company witness Wibbenmeyer (Subsection (A)).

30. Because the site is located in Illinois, Subsection (B) is inapplicable.

31. Project specifications can be found in Schedule SW-D2 of Company witness Wibbenmeyer's Direct Testimony. Drawings for the Project can also be found in Schedule SW-D2 of Company witness Wibbenmeyer's Direct Testimony. The Project is estimated to cost approximately *** _____ *** in the base case, of which approximately 60 - 67% will be financed by Ameren Missouri with the remaining 33 - 40% expected to be financed by a tax equity partners, as outlined above. The operational features of the asset once it is fully operational and used for service are discussed by witness Wibbenmeyer in his Direct Testimony. (Subsection (C)).

32. The Notice to Proceed deadline in the BTA is set at May 1, 2023 and construction is expected to commence in the third quarter of 2023. The Project is expected to be fully operational by October 31, 2024 (Subsection (D)).

33. Project components including fencing, security systems, roads, select transformers, and the control house will be treated as common plant. (Subsection (E)).

34. Ameren Missouri's plans for financing the Project are discussed above and in the Direct Testimony of witness Lansford. (Subsection (F)).

35. The Project is contemplated by the Company's new Preferred Resource Plan submitted to the Commission on June 22, 2022 in File No. EO-2022-0362. (Subsection (G)).

36. The Project was selected as part of a request for proposal process as discussed by witness Wibbenmeyer. Because the Company is not constructing the Project itself but is contracting to acquire it through a BTA, any competitive bidding for design, engineering, procurement, construction management, and construction is the responsibility of the Project developer. (Subsection (H)).

37. The Project will be operated and maintained in the same manner and fashion as all of Ameren Missouri's existing generation is operated, including its existing renewable generation. More specifically, the Project will be operated by Ameren Missouri, with the operation of the facility managed by the Ameren Missouri Energy Management & Trading group similarly to the Company's other large-scale renewable generators such as the Atchison County and High Prairie wind farms, and the O'Fallon and Montgomery solar facilities. (Subsection (I)).

38. Ameren Missouri prepares and maintains emergency action plans for each of its energy centers and will prepare emergency action plans, which will include plans for restoration of safe and adequate service after significant, unplanned/forced outages at a future date closer to the time when the Project is nearing commercial operations. The plans for the Boomtown Solar Project will include communications and response strategies related to natural disasters and other major events. (Subsection (J)). Ameren Missouri requests a variance from the provisions of 20 CSR 4240-20.045(6)(J) allowing it to submit its overview of plans for restoration of safe and

adequate service after significant, unplanned/forced outages closer to the time when the Boomtown Project will commence commercial operations.

39. Other than a short interconnection line, the Boomtown Project includes no transmission voltage lines or transmission substations. The developer has all property rights for the interconnection line and no other landowners are directly affected by electric transmission line routes or transmission substation locations related to the Project proposed in this Application. (Subsection (K)).

F. Other Requirements.

40. Per the Third Stipulation and Agreement filed in File No. EA-2019-0021, Ameren Missouri is providing in its workpapers a transmission capital cost and capacity factor sensitivity analyses, including a “worst-case” scenario, since this Application concerns a wind or solar project interconnected at the transmission level.

III. REQUEST FOR PROGRAM APPROVAL

41. Submitted concurrently with this Application are tariff sheets reflecting the terms and conditions governing a new subscription-based renewable energy program for commercial, industrial, and governmental customers called the Renewable Solutions Program. The Company requests approval of the Program as a whole, and in addition specifically in this docket, approval of the rate schedule applicable to Phase 1 of the Program, which is based upon the specific renewable energy resource for which a CCN is being requested as outlined in Section II of this Application.

42. As explained by Company witness Forsberg's Direct Testimony, Ameren Missouri customers are requesting access to cost-effective renewable energy options. Ameren Missouri's Community Solar pilot, which sought to provide residential and small commercial customers with renewable energy options, has been so successful that Ameren Missouri has expanded the

Community Solar Program beyond a pilot state and into a permanent program. The Renewable Solutions Program is available to different customers than the Community Solar Program; this Program aims to meet large commercial, industrial, and governmental customers' renewable energy goals. As evidenced by the subscription agreements included as a schedule in witness Forsberg's Direct Testimony, these types of customers are also eager for renewable energy options: the Phase 1 facility is already *fully* subscribed, and an additional 119 MW of capacity is currently waitlisted where customers subscription requests could not be fulfilled by Phase 1.¹³

43. As outlined in Company witness Steven Wills' Direct Testimony, and in the Program tariff sheets, the Program is designed to charge only participating customers a predetermined charge per kilowatt subscribed that was set to reflect the cost of the facility supporting the phase of the program in which the subscriber is participating. For Phase 1, the monthly charge in year one is \$8.27 per kW, and it escalates thereafter during the 15-year subscription term by 1.25 percent each year, with the charge in year 15 set at \$9.84 per kW. Subscribers also will receive a credit for each kWh produced by the facility (based upon their share of the facility's capacity), which recognizes the benefits created by the Project that are facilitated by the subscribers' financial support, and further recognizes that these customers are contributing revenues to cover the costs of both the Company's existing generating resources through application of base rates, and the new Program resources through application of Program charges. As noted earlier, across a range of scenarios the Company's analyses show that the the Program is highly likely to result in a lower net present value of revenue requirement for all customers including subscriber revenues net of subscriber credits. The credit was determined through analysis

¹³ The agreements executed by subscribing customers are subject to the Commission's approval of the Program.

of the Company's Class Cost of Service model from its most recent electric rate review (File No. ER-2021-0240) and further evaluated through analysis of net subscriber bills to ensure that subscribing customers would contribute favorably by a reasonable amount to the economics of the Project.

44. As noted, subscribers are contractually committed to the Program for 15 years, subject only to their ability to terminate early upon payment of a termination fee designed to ensure that their termination does not negatively impact the Program's economics for all customers (if a subscriber wishes to terminate and a suitable (e.g., creditworthy) replacement subscriber can be found, the termination fee will not be owed).

45. The Program is designed to operate in phases, where the Boomtown Project represents the first phase of subscription. The pricing proposed in the tariffs submitted with this case are applicable to the Phase 1 resource only, and future Program resources will be governed by the Program provisions in the tariff, but subject to new pricing to be approved by the Commission. As noted above, there currently exists additional customer demand beyond the capacity available in Phase 1 that will support future Program phases. Subscribing customers to any phase are committed for the 15-year Program term but may transfer their subscription to another customer that is willing to assume the subscription or may terminate their subscription subject to paying the Program termination fee stated in the tariff.

IV. REQUEST FOR AUTHORIZATION TO TRACK PROGRAM REVENUES

46. The Company also requests that the Commission authorize it to defer and track Program revenues. As described in witness Wills' testimony, this is necessary to ensure that the economic benefits that subscribers contribute to the Program resource are fully captured for the benefit of all customers in the form of reduced revenue requirements in future electric rate reviews of the Company.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue a final order:

- Granting a CCN under subsection 1 of Section 393.170¹⁴ authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage the Boomtown Solar Project pursuant to a BTA with Boomtown Solar Holdings LLC, a copy of which is attached to the Direct Testimony of Ameren Missouri witness Wibbenmeyer;¹⁵
- Authorizing Ameren Missouri to engage in the transactions by which Ameren Missouri, through various subsidiaries, will construct and finance the Project, including transactions under the BTA and utilizing a tax equity partnership, as explained in this

¹⁴ The Company requests permission and authority to construct the Project via the BTA structure discussed herein, consistent with the permission and authority the Commission granted it for its prior renewable generation projects constructed using a BTA structure. The Company notes, however, that this Application could be viewed as an application to operate an existing asset under 20 CSR 4240-20.045(5) which was adopted pursuant to subsection 2 of section 393.170. Should the Commission view it as such, the Company requests that permission to operate it in lieu of, or in addition to, the permission sought under 20 CSR 4240-20.045(6) and Section 393.170.1.

¹⁵ As noted in the Application above, the Company plans to provide as-built drawings after the facility is complete and asks the Commission to grant it a variance from the requirement in 20 CSR 4240-20.045(3)(c) that they be provided prior to exercise of the authority under the CCN.

- Application and in Company witness Wibbenmeyer's and Company witness Lansford's Direct Testimony;
- Authorizing Ameren Missouri, pursuant to Section 393.190.1 to complete the mergers and asset transfers described in this Application once the TEP no longer exists and a determination that doing so is not detrimental to the public interest, and waivers to the extent necessary of 20 CSR 4240-10.105, -10.115;
 - Authorizing Ameren Missouri to record its investment in, and the costs to operate, the Project as described in Company witness Lansford's Direct Testimony, including to the extent necessary a waiver of the requirements of 20 CSR 4240-20.020(1) respecting recordation of energy and capacity revenues received produced by generation from the Project;
 - Approving of the arrangements between the Company and affiliates necessary to own and operate the Project upon its completion including via a TEP, including waivers of 20 CSR 4240-20.015(2) and (3) as described herein and discussed in Company witness Lansford's Direct Testimony;
 - A waiver of the requirement in 20 CSR 4240-20.045(6)(J) allowing it to submit its overview of plans for restoration of safe and adequate service after significant, unplanned/forced outages closer to the time when the Boomtown Project will commence commercial operations;
 - Issuance of a Commission order granting the relief requested in this Application by March 31, 2023, so that the Project can be timely constructed to take advantage of the full value of available federal Investment Tax Credits ("ITCs");

- Approval of the Renewable Solutions Program tariff sheets submitted in this docket, so that the Project can be utilized in support of Phase 1 of the Program;
- Authorizing Ameren Missouri to track Renewable Solutions Program revenues for consideration of inclusion as an amortization in the revenue requirement of future electric rate reviews; and
- For such other and further relief as may be appropriate.

Respectfully submitted,

/s/ James B. Lowery

James B. Lowery, Mo. Bar #40503
JBL LAW, LLC
3406 Whitney Ct.
Columbia, MO 65203
Telephone: (573) 476-0050
E-Mail: lowery@jblawllc.com

/s/ Wendy K. Tatro

Wendy K. Tatro, Mo. Bar #60261
Director and Assistant General Counsel
Jermaine Grubbs, Mo. Bar #68970
Corporate Counsel
Ameren Missouri
1901 Chouteau Avenue
St. Louis, MO 63103
Telephone: (314) 554-3484
Facsimile: (314) 554-4014
E-Mail: AmerenMOService@ameren.com

**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

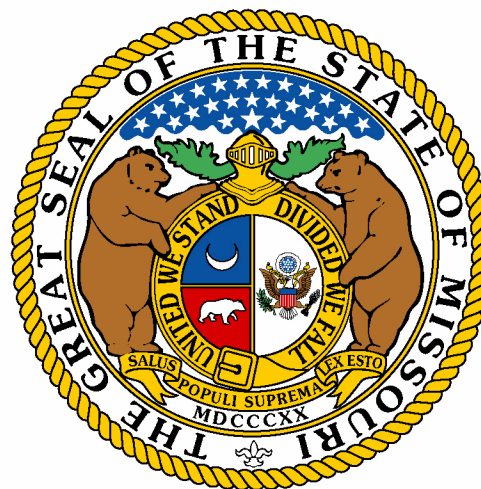
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

UNION ELECTRIC COMPANY
00040441

was created under the laws of this State on the 21st day of November, 1922, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 18th day of April, 2022.


Secretary of State



Certification Number: CERT-04182022-0092

VERIFICATION

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Application* is true and correct to the best of his knowledge, information, and belief.

This request is substantially consistent with the preferred resource plan required by 20 CSR 4240-Chapter 22.



Ajay K. Arora,
Vice-President & Chief Renewables
Development Officer
Union Electric Company d/b/a Ameren Missouri

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the public version of the foregoing Application has been e-mailed, this 14th day of July, 2022, to the Missouri Public Service Commission Staff and to the Office of the Public Counsel.

/s/ James B. Lowery
James B. Lowery