

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

Patricia Schuba and Dean Todd,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-2014-0342</u>
)	
Union Electric Company d/b/a Ameren Missouri)	
)	
Respondent.)	

STAFF RECOMMENDATION TO DENY COMPLAINT

COMES NOW Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and recommends that, if it makes certain findings in Case No. ET-2014-0350, the Missouri Public Service Commission deny Patricia Schuba's and Dean Todd's ("Complainants") *Complaint*. In support of its Recommendation Staff states:

Summary

1. On May 14, 2014,¹ Complainants filed a *Complaint* with the Commission asserting Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") unlawfully denied their solar rebate applications submitted under the Renewable Energy Standard ("RES"), Section 393.1030, RSMo (Supp. 2013) and the Commission's RES rules at 4 CSR 240-20.100.

2. On May 15, the Commission issued notice of the *Complaint* and ordered Staff to complete an investigation and file a report with its recommendation no later than June 30. This is Staff's report and recommendation.

¹ All dates herein refer to calendar year 2014 unless otherwise specified.

3. Staff reviewed the filings in this case and has issued several data requests to the Complainants, but their responses are not due until July 9. Staff plans to update its report, and may revise its recommendation once it receives and reviews the responses.

4. Staff's Recommendation is intricately linked with its Recommendation filed in Case No. ET-2014-0350 and is dependent upon the Commission's findings in that case. If the Commission finds in Case No. ET-2014-0350 that Ameren Missouri has sufficient solar rebate applications pending, that were made before Complainants filed their applications, which aggregate to the \$91.9 million payment limit the Commission approved in Case No. ET-2014-0085, and that an unconstrained RES model adding additional renewable resources or solar rebate payments will exceed the 1% statutory rate cap, Staff recommends the Commission find in this case that Ameren Missouri has not violated any Commission statute, rule, order or Commission-approved tariff by denying Complainants' solar rebate applications.

Discussion and Recommendation

5. On November 13, 2013, the Commission approved a *Non-Unanimous Stipulation and Agreement* ("*Stipulation and Agreement*") in Case No. ET-2014-0085. The *Stipulation and Agreement* established a \$91.9 million solar rebate payment limit, as well as an agreement on the process once solar rebate payments were anticipated to reach the agreed-upon level. Paragraph 7.a. of the *Stipulation and Agreement* provides:

If and when the solar rebate payments are anticipated to reach the specified level, Ameren Missouri will file with the Commission an application under the 60-day process as outlined in §393.1030.3 RSMo. to cease payments beyond the specified level in the year which the specified

level is reached and all future calendar years. The Signatories agree that they will not object to an application that is designed to cease payments beyond the specified level.

Ameren Missouri's tariff sheet to cease solar rebate payments above the agreed-upon level is now pending in Case No. ET-2014-0350, and bears an effective date of July 22.

6. As mentioned in the *Memorandum* Staff filed in Case No. ET-2014-0350, which is attached hereto and incorporated herein, Staff reviewed not only Ameren Missouri's solar rebate payment calculations, but also Ameren Missouri's RES compliance model before making its recommendation in Case No. ET-2014-0350. Staff also reviewed Ameren Missouri's current RES Compliance Plan in File No. EO-2014-0291. Staff believes Ameren Missouri's calculations conform to the Case No. ET 2014-0085 *Stipulation and Agreement* and that they show the retail rate impact determined with an unconstrained compliance model will exceed 1% over a ten-year compliance period when all compliance costs, including solar rebate payments, investments in other solar facilities and investments in other non-solar renewable resources are taken into account.

7. Should the Commission approve Ameren Missouri's tariff sheet in Case No. ET-2014-0350, Staff recommends that the Commission find in this case that Ameren Missouri has not violated any Commission statute, rule, order or Commission-approved tariff by denying Complainants' solar rebate applications. Attached hereto and incorporated herein is the affidavit of Staff witness Daniel I. Beck concerning Staff's investigation and recommendation in this case.

8. Currently, there are several cases that relate to the RES and the Commission's RES rule that are pending either before the Commission or in external

litigation: Case Nos. EO-2014-0291 (both the RES Compliance Plan and RES Compliance Report), ET-2014-0350 and AP14AC-CC00316. Staff notes that the proposed tariff sheet in Case No. ET-2014-0350 becomes effective by operation of law unless, the Commission acts before July 22 to suspend it.

WHEREFORE, Staff recommends that if the Commission finds in Case No. ET-2014-0350 that Ameren Missouri has sufficient solar rebate applications pending that were made before Complainants filed their applications, which aggregate to the \$91.9 million payment limit the Commission approved in Case No. ET-2014-0085, and that an unconstrained RES model adding additional renewable resources or solar rebate payments will exceed the 1% statutory rate cap, Staff recommends the Commission find in this case that Ameren Missouri has not violated any Commission statute, rule, order or Commission-approved tariff by denying Complainants' solar rebate applications.

Respectfully submitted,

/s/ Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically on this 30th day of June 2014, to counsel of record as set out on the

official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Jennifer Hernandez