

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12th day of September, 2018.

In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Convenience and Necessity Authorizing it to Construct a Wind Generation Facility))))))	<u>File No. EA-2018-0202</u> Tariff No. YE-2018-0158
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**ORDER DENYING PUBLIC COUNSEL'S MOTION TO MODIFY
PROCEDURAL SCHEDULE**

Issue Date: September 12, 2018

Effective Date: September 12, 2018

Union Electric Company d/b/a Ameren Missouri filed an application on May 21, 2018, seeking a certificate of convenience and necessity (a CCN) to construct and operate a wind generation facility in Schuyler and Adair Counties in Missouri. The application also seeks leave to establish a Renewable Energy Standard Cost Recovery Mechanism (RESRAM) related to the cost of the wind generation project. Ameren Missouri filed direct testimony along with its application and the Commission adopted a procedural schedule that required the parties to file rebuttal testimony on August 17 and surrebuttal and cross-surrebuttal testimony on September 28. An evidentiary hearing is scheduled for October 30 through November 2.

On August 17, Ameren Missouri and Staff filed a non-unanimous stipulation and agreement purporting to resolve all issues in the case. Other parties filed rebuttal testimony on that date. Public Counsel, the Missouri Department of Conservation, and the Missouri Industrial Energy Consumers (MIEC) all filed timely objections to that stipulation and

agreement. Therefore, as provided by Commission Rule 4 CSR 2.115(2)(D), that stipulation and agreement has become merely a position of the signatory parties to which no party is bound. All issues remain for determination after hearing.

On August 20, along with its objection to the stipulation and agreement, Public Counsel filed a motion asking the Commission to modify the procedural schedule to permit Staff and Ameren Missouri to file affidavits, in effect additional testimony, to provide a factual basis as the foundation for their stipulation and agreement. Public Counsel also asks that non-signatory parties be given an opportunity to file supplemental testimony in response to those affidavits, or in support of, or opposition to, the stipulation and agreement.

Ameren Missouri responded to Public Counsel's motion on August 23. Ameren Missouri contends there is no need for any additional affidavits or testimonies to support the stipulation and agreement, as the positions taken in that document are fully supported in the company's prefiled direct testimony. Staff did not respond to Public Counsel's motion.

Public Counsel replied to Ameren Missouri's response on August 31, describing a need for additional evidentiary support for the stipulation and agreement's position regarding the ordered life of the wind generation assets and its effect on the company's depreciation rates. Ameren Missouri responded to Public Counsel's reply on September 10, again contending there is no need to modify the procedural schedule to allow for the filing of additional testimony.

Public Counsel has not provided a sufficient reason to modify the established procedural schedule. The stipulation and agreement has been objected to and, by rule, it is now merely a non-binding position of the signatory parties. Ameren Missouri continues to

bear the burden of proving that it meets each requirement to obtain a CCN and to establish a RESRAM, just as it would have to do if no stipulation and agreement had been filed. Ameren Missouri asserts it can carry that burden without the need to file any supplemental affidavits. Public Counsel may challenge that assertion through its surrebuttal testimony, by cross-examination of Ameren Missouri's witnesses at the hearing, and through the arguments presented in its briefs. There is no reason to modify the procedural schedule to give Ameren Missouri and Staff an opportunity to submit additional affidavits they do not believe they need to submit. There is no need to allow the other parties an opportunity to prefile additional rebuttal testimony regarding the objected-to stipulation and agreement.

The Commission will deny Public Counsel's motion.

THE COMMISSION ORDERS THAT:

1. Public Counsel's Motion to Modify Procedural Schedule to Permit Supplemental Testimony is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and
Silvey, CC., concur.

Woodruff, Chief Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 12th day of September 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 12, 2018

File/Case No. EA-2018-0202

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.