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

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In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of a Subscription-Based Renewable Energy Program.

File No. EA-2022-0245

# **REVISED NOTICE REGARDING IMPACT OF THE INFLATION REDUCTION ACT ON RELIEF SOUGHT**

Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri") hereby submits a revised notification of those portions of the relief sought in its Application in this case that are no longer required given the impact of the federal Inflation Reduction Act ("IRA") and, for its revised notice, states as follows:

1. As outlined in the Supplemental Direct Testimony of Company witness Lindsey Forsberg, for which the Commission granted leave to file by order dated November 2, 2022, the Company will not utilize tax equity financing for the Boomtown solar facility that is the subject of this case because utilization of production tax credits authorized by the IRA is more favorable for its customers. Consequently, the Company will not offer the Direct Testimony of Company witness Mitch Lansford into evidence because witness Lansford's testimony relates solely to the use of a tax equity partnership and is therefore irrelevant and moot given that tax equity financing will not be used for this particular facility.

2. As a result, the following relief originally sought by the Company is no longer required:

 Authority to utilize a tax equity partnership (2<sup>nd</sup> bulleted item, starting on Application Page 17 and carrying over to Page 18);

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- b. Authority to complete the merger and asset transfer that would have been necessary had a tax equity partnership been used (1st bulleted item on Application Page 18); and
- c. The authority described in the 2<sup>nd</sup> and 3rd bulleted items on Application Page 18.

3. On November 8, 2022, Ameren Missouri submitted its original Notice Regarding Impact of Inflation Reduction Act on Relief Sought. That notice contained Footnote 1, which addressed the mechanics of how Ameren Missouri will ultimately obtain ownership of the Boomtown facility assets and Commission permissions still sought by its Application in this case related to those mechanics. However, while the footnote accurately described the result, that is, that Ameren Missouri would ultimately own the Boomtown facility assets, it did not accurately describe the precise legal steps to be taken to accomplish that result. Consequently, Ameren Missouri is filing this Revised Notice.

4. Specifically, Ameren Missouri seeks authority both to merge the Project Company into BREC Holding Company LLC ("BREC") but further authority to then merge BREC into Holdco to be followed by a merger of Holdco into Ameren Missouri. The end result of these mergers will be 100% ownership of the facility by Ameren Missouri, just as it owns all of its other generation facilities.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Ameren Missouri also continues to seek waivers, to the extent necessary, of 20 CSR 4240-10.105, -10.115 respecting those mergers.

Respectfully submitted,

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

### **CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 14th day of November, 2022.

> <u>/s/ James B. Lowery</u> James B. Lowery