

**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 Variance from the Provisions of)
Its LED Lighting Tariff Limits in for) EE-2020-
Cape Girardeau, Missouri, in Anticipation)
of Longer-Term Tariff Revisions.)

APPLICATION AND REQUEST FOR WAIVER,

Comes now Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company") and, pursuant to and in accordance with 20 CSR 4240-2.060, submits this *Application and Request for Waiver* ("Application"), in which the Company requests a variance from its tariff entitled "Service Classification No. 5(M) – Street and Outdoor Area Lighting – Company-Owned," Section 4 - Conversion or Modification of Lamps, Schedule No. 6, Sheet No. 58.5, which limits the conversion of LED lights by customer request to 1,000 total a year and 25 per customer per calendar year. Ameren Missouri also requests a variance from the Notice requirement of 20 CSR 4240-4.017 which requires 60 days' notice of case filings. In support of its *Application*, Ameren Missouri states as follows:

INTRODUCTION

1. Ameren Missouri has been in discussions with the city of Cape Girardeau, Missouri ("City") regarding its request for LED street lighting conversion. The City requested the replacement of over 1,000 street lights, and is willing and able to pay the \$100 fee per light reflected in Ameren's Missouri's tariffs.¹ However, Sheet No. 58.5 limits the total LED conversions per customer request to 1,000 per year, with no more than 25 of those conversions attributable to just one customer. Because the original rationales for these limitations are no longer strictly applicable,

¹ "Service Classification 5(M), Street and Outdoor Area Lighting – Company-Owned," Section 4, Schedule No. 6, Sheet No. 58.4.

Ameren Missouri wishes to fulfill the City's full request for the replacement of over 1,000 street lights via a waiver of this tariff provision, with the intent to modify this tariff in the future² to modify the limitations; specifically, the Company wants to broaden its ability to perform such conversions "to the extent resources allow." In order to effectuate the requested variances in a timely manner, the Company also requests a variance from 20 CSR 4240-4.017, which requires 60 days' notice of case filings. Accordingly, this *Application* is divided into the following sections:

I. 20 CSR 4240-4.017

II. 20 CSR 4240-2.060(1), (A) through (M)

III. 20 CSR 4240-2.060(4), (A) through (C) and Sheet No. 58.5

I. 20 CSR 4240-4.017

2. Ameren Missouri requests a variance from the 60-day notice requirement of 20 CSR 4240-4.017, which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case...

Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case..."³

As indicated in the Affidavit attached as Appendix 1 to this *Application*, Ameren Missouri has had no communications with the office of the Commission (as defined by 20 CSR 4240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days.

² Because this tariff has already been submitted with the Company's rate case in File No. ER-2019-0335, the Company is not requesting the revision in the context of this waiver request. However, the Company suggests that the tariff should be modified to broaden the existing limitations when it is procedurally appropriate to do so.

³ Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

Accordingly, Ameren Missouri has established good cause for a waiver from the 60-day requirement of 20 CSR 4240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

II. 20 CSR 4240-2.060(1), (A) through (M)

Paragraph (A) - Applicant

3. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph (G) – Information Previously Submitted; Paragraph (H) – Character of Business;⁴

4. The Company previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105). Ameren Missouri includes a recent Fictitious Name Registration as filed with the Missouri Secretary of State's Office as Appendix 2 to this *Application*. These documents are incorporated by reference and made a part of this *Application* for all purposes. The Company provides a copy of its Certificate of Corporate Good Standing as Appendix 3 to this *Application*.

Paragraph I – Correspondence and Communication

5. Correspondence and Communication -- Correspondence, communications, orders and decisions in regard to this *Application* should be directed to:

⁴ Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

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Ameren Missouri
1901 Chouteau Avenue
MC 1450
St. Louis, MO 63103
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TByrne@ameren.com

Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees⁵

6. The Company has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this *Application*. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates. The Company has no annual report or assessment fees overdue to this Commission.

Paragraph (M) – Affidavit

7. An Affidavit in support of this *Application* by an authorized individual is included as Appendix 1.

III. 20 CSR 4240-2.060(4), (A) through (C) and Sheet No. 58.5

Requirements of Regulations and Tariff

8. 20 CSR 4240-20.060(4) allows a utility to request a variance from Commission rules, tariff provisions, and some statutes. Specifically, to request a variance, a utility must provide the following information:

(A) Specific indication of the statute, rule, or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

⁵ Paragraph (J) does not apply to Ameren Missouri.

Ameren Missouri provides this information in the following paragraphs:

9. Ameren Missouri specifically requests a variance in the form of a broadening of the limits on lighting installations contained in its tariff at Sheet No. 58.5:

Company will convert to LED up to 1,000 lights per year requested by customers. Customer requests for LED lights will not be accepted prior to April 1, 2016 and will be limited to twenty-five (25) lights per customer account per calendar year. Customer requests must be made in writing and, at a minimum, identify the specific physical location and billing account number and service date requested of each light. In the event Company determines it cannot accommodate all requests for conversions in the timeframes requested, prioritization of the requests will be at Company's discretion.

10. The limits on the number of LED installations were first put in place in 2016 to ensure there were controls in place for the unknown and untested demands LED availability might spur. These limits had specific purposes:

- The limit of 25 LED installations per customer per year was intended to support fairness by ensuring a single customer could not use all 1,000 annual LED limitations, which would prevent others from requesting the upgrades.
- The 1,000 annual limit was intended to limit overall non-essential demand because the Company did not yet have much experience in LED installations and needed to ensure that adequate resources were available to replace failed traditional lights which were anticipated to necessitate the installation of roughly 20,000 LED fixtures per year.

Since those limitations were put into place, the Company has completed numerous installations; in fact, the Company now exclusively installs LED lighting for all new lights, has previously expanded the LED conversion program to additional light types and styles (directional fixtures) since the noted tariff language was adopted and is evaluating whether the conversion program can be broadened to include post top lighting, which is the only lighting type not yet included. While some limitations may still be necessary, the Company believes it would be appropriate to allow requested conversions "to the extent resources allow." Importantly, customer-requested LED installations have, thus far, been low as compared to the Company's available resources and the

overall LED conversion program, so broadening these limitations will not cause harm to any Ameren Missouri customer. Since the establishment of the tariffed LED installation limits, the Company has installed, per the customer request provision, a manageable numbers of LED lights, as shown in the following table.

Year	# of Customer Requests for LED Installations	Total # of LED Installations
2016	14	35
2017	23	51
2018	30	254
2019 (through 9/30/19)	16	162

In other words, the total number of LED installations since 2016 has never approached a total of 1,000 customer-requested installations per year.

11. When the City requested the installation of over 1,000 LED lights,⁶ the Company determined that, while appropriate at the time, the limits included in Sheet No. 58.5 are no longer relevant to either the number of customer replacement requests received or its current practices and available resources. However, Sheet No. 58.5 still places a limit on the number of installations it may complete in a year. Granting a waiver of the tariff language found at Sheet No. 58.5 by increasing, to the extent resources allow, the annual limits on customer-requested LED street installations on both annual-total-per-customer and overall-total-per-year bases will allow Ameren Missouri to fulfill the City's request, as well as other similar requests that may arise. The Company believes it is appropriate to examine the potential for a longer-term tariff solution, and would have

⁶ As previously noted, the City will pay the tariffed \$100 fee per LED installation. While the City has more than 1,000 non-LED lights at present that it wishes to convert, the Company does not plan to charge for replacement of those that it discovers at the time of installation would have been considered a "replace on fail."

filed a tariff doing so were the applicable tariff not currently filed in the Company's electric rate case in ER-2019-0335.⁷

12. Since this is an Ameren-specific tariff, no other utility will be affected by this variance or waiver.

WHEREFORE, having shown good cause for the requested waiver in the form of an expansion of the LED lighting limitations to a standard reflecting "as resources allow" rather than the numerical limits contained in Sheet No. 58.5 of its tariffs, Ameren Missouri respectfully requests the Commission:

- (i) Approve this *Application* and the request for waiver in the form of an expansion of the customer-requested LED limitations of its tariff Sheet No. 58.5 so that Ameren Missouri may accommodate the City's request for LED street lighting installations, as well as other similar requests that may arise, to the extent resources allow;
- (ii) Waive the 60-day notice requirement of 20 CSR 4240-4.017, and allow this *Application* to serve as notice of the case filing; and
- (iii) Grant any other relief deemed appropriate by the Commission under the circumstances.

⁷ As previously noted, because Sheet No. 58.5 has been filed as part of Ameren Missouri's electric rate case in ER-2019-0335, the Company is not requesting a tariff change in this docket. However, Ameren Missouri does believe a permanent change is warranted, and suggests it is appropriate to examine an appropriate increase of the limits at the appropriate time procedurally.

Respectfully submitted,

By: /s/ Paula N. Johnson-----

Paula N. Johnson, #68963

Senior Corporate Counsel

Ameren Missouri

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St. Louis, MO 63166

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(314) 554-4014 (facsimile)

AmerenMOService@ameren.com

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

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 16th day of October, 2019.

General Counsel's Office
Missouri Public Service Commission
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102-2230
opcservice@ded.mo.gov

/s/ Paula N. Johnson

Paula N. Johnson

APPENDICES TO APPLICATION
Appendix Number and Description

Appendix 1 – Verification in Support of *Application*

Appendix 2 – Fictitious Name Registration

Appendix 3 – Certificate of Good Standing

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AFFIDAVIT OF PATRICK E. SMITH, SR.

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

Patrick E. Smith, Sr., being first duly sworn on his oath, states:

1. My name is Patrick E. Smith, Sr. I work in the City of St. Louis, Missouri, and I am employed by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") as Vice President, Division Operations. I am responsible for departments and personnel that oversee, among other things, the lighting services provided by Ameren Missouri to its customers.

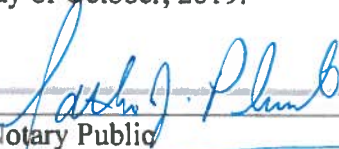
2. Neither Ameren Missouri nor any person on its behalf has had any communications with the office of the Commission regarding any substantive issue likely to be an issue in the case initiated by this filing during the preceding 150 days.

3. I affirm that, to the best of my information and belief, the statements contained herein and in the *Application and Request for Waiver* are true and correct.



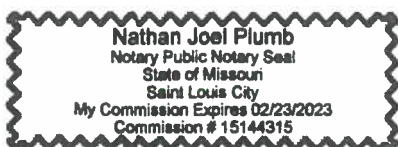
Patrick E. Smith, Sr.

Subscribed and sworn to before me this 16th day of October, 2019.



Notary Public

My commission expires:





State of Missouri

Jason Kander, Secretary of State

Corporations Division
PO Box 778 / 600 W. Main St., Rm. 322
Jefferson City, MO 65102

X001230414
Date Filed: 10/14/2015
Expiration Date: 10/14/2020
Jason Kander
Missouri Secretary of State

Registration of Fictitious Name

(Submit with filing fee of \$7.00)
(Must be typed or printed)

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. The fictitious name registration expires 5 years from the filing date. (Chapter 417, RSMo)

Please check one box:

☒ New Registration ☐ Renewal ☐ Amendment ☐ Correction

Charter number Charter number Charter number

The undersigned is doing business under the following name and at the following address:

Business name to be registered: Ameren Missouri

Business Address: One Ameren Plaza 1901 Chouteau Avenue

(PO Box may only be used in addition to a physical street address)

City, State and Zip Code: St. Louis, MO 63103

Owner Information:

If a business entity is an owner, indicate business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not be listed. Please attach a separate page for more than three owners. The parties having an interest in the business, and the percentage they own are:

Name of Owners, Individual or Business Entity	Charter # Required If Business Entity	Street and Number	City and State	Zip Code	If Listed, Percentage of Ownership Must Equal 100%
UNION ELECTRIC COMPANY	00040441	One Ameren Plaza 1901 Chouteau Ave	St. Louis, MO	63103	100.00

All owners must affirm by signing below:

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties of a false declaration under Section 575.060 RSMo)

UNION ELECTRIC COMPANY - Gerald L Waters

Owner's Signature or Authorized Signature of Business Entity

UNION ELECTRIC COMPANY - GERALD L
WATERS

Printed Name

10/14/2015

Date

Name and address to return filed document:

Name: Carla J Flinn

Address: Email: cflinn@ameren.com

City, State, and Zip Code: _____

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

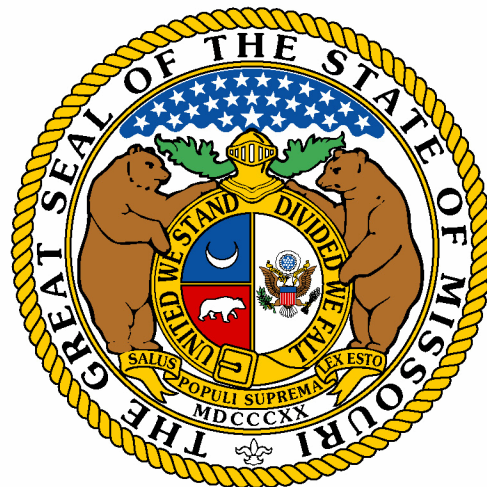
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

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 8th day of October, 2019.


Secretary of State



Certification Number: CERT-10082019-0082