

**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 Permission and Approval)	
and a Certificate of Convenience and)	Case No. EA-2019-0371
Necessity Authorizing it to Construct)	
Solar Generation Facility(ies))	

**FILING REGARDING INTERPRETATION OF SECTIONS 393.1665
AND 393.170, RSMo.**

COMES NOW the Office of the Public Counsel (“OPC”) and for its *Filing Regarding Interpretation of Sections 393.1665 and 393.170, RSMo.*, states as follows:

1. Pursuant to the procedural schedule adopted in this case, the OPC makes this filing to set forth its position regarding the proper interpretation of sections 393.1665 and 393.170, RSMo. as they relate to the subject matter of this case.

2. With regard to the proper interpretation of RSMo. section 393.1665, the OPC disagrees with the position adopted by the Union Electric Company, d/b/a Ameren Missouri (“Ameren”) who argue that section 393.1665.2 grants the company *de jure* prudence for all solar investments made between August 28, 2018 and December 31, 2023. The OPC instead argues that section 393.1665.2 applies only to such solar investments undertaken to meet Ameren’s \$14 million statutory obligation and any decision made by Ameren to spend in excess of that \$14 million statutory obligation is still subject to Commission review for prudence.

3. With regard to the proper interpretation of RSMo. section 393.170, the OPC further disagrees with Ameren's position that it is not required to seek Commission permission and approval for the construction of battery storage facilities. The OPC instead takes the position that section 393.170.1 requires Ameren to seek Commission permission and approval for the construction of battery storage facilities.

4. The OPC will not set forth the legal basis for either of these positions in the course of this filing but shall instead present such arguments as part of its briefing following the evidentiary hearing to be held in this matter.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission accept this *Filing Regarding Interpretation of Sections 393.1665 and 393.170, RSMo.*

Respectfully submitted,
OFFICE OF THE PUBLIC
COUNSEL

By: /s/ John Clizer
John Clizer (#69043)
Senior Counsel
P.O. Box 2230
Jefferson City, MO 65102
Telephone: (573) 751-5324
Facsimile: (573) 751-5562
E-mail: john.clizer@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this twelfth day of December, 2019.

/s/ John Clizer