

rebate applications. Ameren Missouri further asks the Commission to find that it calculated the 1% maximum average retail rate increase found in Section 393.1030 (“1% cap”) correctly.

Brightergy, LLC (“Brightergy”) filed comments on June 20. Brightergy states that it does not object to Ameren Missouri’s request once Ameren Missouri has actually paid the \$91.9 million cap established in File No. ET-2014-0085. But Brightergy points out that Ameren Missouri’s request for the Commission to confirm Ameren Missouri’s calculation of the 1% cap in Section 393.1030 is contrary to the stipulation and no longer required. In other words, the \$91.9 million has replaced the 1% cap per the stipulation in ET-2014-0085.

Missouri Solar Energy Industries Association (“MOSEIA”) also responded on June 20. MOSEIA claims that Ameren Missouri has incorrectly calculated the 1% cap by including hypothetical revenue requirements associated with future wind and solar projects. So, MOSEIA maintains, those facilities do not count toward the cap, and the Commission should reject the tariff.

The Staff of the Commission responded on June 23. Staff recommends that the Commission approve the tariff, and approve the application. Further, Staff recommends that the Commission order Ameren Missouri to file notice in this file once it has paid the required \$91.9 million of solar rebates.

Discussion

The operative statute in this case is Section 393.1030.3 RSMo (Supp. 2013).

Section 393.1030.3 provides:

If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying

rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension (emphasis supplied).

To summarize, Section 393.1030.3 allows an electric utility to file “with the commission to suspend its rebate tariff . . . sixty days prior to the change taking effect” if it determines that the “maximum average retail; rate increase . . . will be reached in any calendar year . . . “ If the Commission finds that the maximum average retail rate increase will be reached, it shall approve the tariff suspension within those sixty days. Here, the parties reached a Non-Unanimous Stipulation and Agreement as to the amount of solar rebates to be paid in lieu of calculating the 1% rate cap.

The Commission finds that the tariff Ameren Missouri filed complies with the Non-Unanimous Stipulation and Agreement in File ET-2014-0085. If a party to the Stipulation and Agreement or any other party desires to challenge the Stipulation and Agreement they may avail themselves of the complaint process here at the Missouri Public Service Commission.

THE COMMISSION ORDERS THAT:

1. The following tariff sheet filed by Union Electric Company d/b/a Ameren Missouri May 23, 2014, and assigned Tariff No. YE-2014-0494, is approved to become effective on September 19, 2014:

MO. P.S.C. Schedule No. 6

3rd Revised Sheet No. 88, Cancelling 2nd Revised Sheet No. 88

2. Nothing in this order shall be considered a finding by the Commission of the reasonableness or prudence of the expenditures herein involved, or of the value for ratemaking purposes of the properties herein involved, or as acquiescence in the value placed on said property.

3. The Company shall file a notice in this case, with supporting documentation, when it has reached the \$91.9 million rebate payment limit specified in the Non-Unanimous Stipulation in File No. ET-2014-0085.

4. This order shall become effective on September 19, 2014.

5. This file shall be closed on September 20, 2014.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge