

**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 Public Convenience       )  
and Necessity Authorizing it to Construct a               )  
Wind Generation Facility                                        )

**File No. EA-2019-0021**

**STAFF’S STATEMENT OF POSITIONS**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Statement of Positions* states as follows:

1. *Should the Commission grant the certificate of convenience and necessity (“CCN”) and merger approval sought by the Company’s application in this docket or reject it?*

The Commission should grant the CCN and merger application.<sup>1</sup> Staff reviewed the Company’s application based on the Tartan Criteria<sup>2</sup> and recommends approval of the CCN as all five factors have been met.<sup>3</sup> The project is needed as Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) must comply with the statutory requirements of the Missouri Renewable Energy Standard, and will need additional renewable energy credits to remain compliant.<sup>4</sup> Ameren Missouri has operated and overseen construction of large generating units in its past history, and EDF-RE US Development, LLC (“EDF”), the build transfer agreement (BTA) partner, has experience operating and constructing large renewable projects, so the applicant is qualified to own, operate, control and manage the facilities and provide the service.<sup>5</sup>

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<sup>1</sup> *Rebuttal Testimony of Jamie S. Myers*, p. 2, l. 23-24 and p. 4, l. 1-2.

<sup>2</sup> *In Re Tartan Energy*, GA-94-127, 3 Mo.P.S.C.3d 173, 177 (1994).

<sup>3</sup> *Rebuttal Testimony of Jamie S. Myers*, p. 2, l. 23-24.

<sup>4</sup> *Staff Rebuttal Report*, p. 6.

<sup>5</sup> *Id.* at p. 8-9.

Ameren Missouri has the financial ability to acquire the wind facilities, and the BTA terms state EDF will incur construction costs during development, which reduces Ameren Missouri's financing risk.<sup>6</sup> The existence of the production tax credits (PTC), which provide an economic benefit for customers, and the consumer protections contained in the BTA makes the project economically feasible.<sup>7</sup> Overall, due to the terms of the BTA, and the conditions agreed to the *Second Stipulation and Agreement* ("Stipulation"), filed February 11, 2018, Staff concludes the project is in the public interest, and has met all of the Tartan Criteria.<sup>8</sup>

**2. *If the Commission approves the CCN and merger approval sought by the Company's application in this docket, what conditions, if any, should the Commission impose?***

Staff recommends that the Commission only impose the conditions agreed to in the Stipulation, which is the joint position of the non-opposing parties. These conditions include PTC guarantee, which protects consumers and functions to safeguard a significant factor in the project's economic feasibility,<sup>9</sup> as well as provisions regarding analyses to be performed in future CCN applications for parties to have more detailed information upfront regarding the cost impacts.<sup>10</sup> The conditions agreed to in the Stipulation resolve the issues put forth in Staff's and the Missouri Department of Conservation's testimony, and are reasonable for the Commission to impose to satisfy those parties' concerns.

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<sup>6</sup> *Id.* at p. 10.

<sup>7</sup> *Id.* at p. 13, 15.

<sup>8</sup> *Id.* at p. 23.

<sup>9</sup> *Id.* at p. 13, 15.

<sup>10</sup> *Second Stipulation and Agreement*, p. 3-4.

Respectfully submitted,

**/s/ Nicole Mers**

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 13th day of February 2019.

**/s/ Nicole Mers**