

**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-2019-0021
Necessity Authorizing it to Construct a )	
Wind Generation Facility )	

**RESPONSE TO THE THIRD STIPULATION AND AGREEMENT**

**COMES NOW** the Office of the Public Counsel (“OPC”) and for its *Response to the Third Stipulation and Agreement*, states as follows:

1. On February 20, 2019, Union Electric Company, d/b/a Ameren Missouri (“Ameren”) filed the *Third Stipulation and Agreement* reached between it and numerous other interveners in the above styled case.

2. This *Third Stipulation and Agreement* included, as attached exhibits, copies of the separate settlement agreements reached between Ameren and the Missouri counties of Atchison and DeKalb.

3. As correctly noted by the filed pleading setting forth the *Third Stipulation and Agreement*, the OPC does not object to this *Third Stipulation and Agreement* as a means of resolving Ameren’s application for a certificate of convenience and necessity.

4. However, the OPC wishes to make clear that its decision not to object does not constitute a waiver of the OPC’s right to challenge either the prudence or full recovery

of any costs related to the subject of Ameren's requested certificate of convenience and necessity.<sup>1</sup>

5. In particular, the OPC reserves without limitations the right to challenge Ameren's ability to recover the annual payments described in principal in paragraph five (5) of the *Settlement and Services Agreement* entered into between Ameren and Atchison County found in Exhibit A to the filed *Third Stipulation and Agreement* as part of a prudence review of Ameren's Renewable Energy Standard Rate Adjustment Mechanism ("RESRAM") surcharge, a general rate proceeding, or any other proceeding before this commission.

6. The OPC further reserves without limitations the right to challenge Ameren's ability to recover any costs (including payments to any person or group engaged as a political lobbyist) incurred in Ameren's support of the passage of legislation by the 100th and 101st Missouri General Assembly applicable solely to wind generation facilities owned by Commission-regulated utilities that go into service after the effective date of the legislation's enactment so that such wind generation facilities are locally assessed such that all the property taxes generated by such facilities are payable to the taxing authorities in the county where the facility is located as part of

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<sup>1</sup> The OPC has several concerns regarding the prudence of Ameren's decision in this case and subsequently Ameren's ability to fully recover the costs associated with the underlying project. However, the OPC also recognizes that the current application for a certificate of convenience and necessity is not the proper forum to address these concerns, which are more suitable for review as part of a later filed rate case or RESRAM prudence review. This filing is thus meant to serve as a superfluous measure preserving the OPC's right to raise these issues in a later filed case as well as to place Ameren and other parties on notice thereby eliminating the potential for any future allegation that the OPC is engaging in *post-hoc* evaluation.

a prudence review of Ameren's RESRAM surcharge, a general rate proceeding, or any other proceeding before this commission.

WHEREFORE, the Office of the Public Counsel respectfully submits the forgoing *Response to the Third Stipulation and Agreement* for the Commission's consideration and requests such relief as appropriate.

Respectfully submitted,  
OFFICE OF THE PUBLIC  
COUNSEL

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CERTIFICATE OF SERVICE

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

                                  /s/ John Clizer