

**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)
Necessity Authorizing it to Construct a Wind)
Generation Facility)
File No. EA-2018-0202

NOTICE REGARDING MOTION TO MODIFY STIPULATION

Issue Date: September 23, 2019

Most aspects of Union Electric Company d/b/a Ameren Missouri application for a Certificate of Convenience and Necessity (CCN) regarding a wind generation facility to be constructed in Schuyler and Adair Counties in Missouri were resolved when the Commission approved a Third Stipulation and Agreement.¹ Other aspects of Ameren Missouri’s application were resolved through a Report and Order following an evidentiary hearing. That Report and Order is currently on appeal to the Missouri Court of Appeals.

On September 20, 2019, Ameren Missouri filed a motion asking the Commission to modify one term in the approved stipulation and agreement. The motion explains that paragraph 6 of the stipulation and agreement provides in relevant part:

Ameren Missouri shall file with the Commission quarterly progress reports on the plans and specifications for the Project ... Ameren Missouri will file complete plans and specifications prior to commencement of construction.

Ameren Missouri is now prepared to “file” those plans and specifications, but reports that they are voluminous and uploading them into the Commission’s document system (EFIS) will be burdensome. Ameren Missouri asks the Commission to modify paragraph 6 of the stipulation and agreement to clarify that the requirement can be met by simply providing the

¹ The Commission approved the Third Stipulation and Agreement in an order issued October 24, 2018.

documents to the Commission's Staff rather than by "filing" them in EFIS. Ameren Missouri represents that counsel for other parties to this case have indicated they do not object to the proposed modification of the stipulation and agreement.

As previously indicated, the Commission's report and order in this case is currently on appeal to the Court of Appeals. That means the Commission does not currently have authority to substantively modify any aspect of its decision in this case.² As a result, the Commission does not have authority to modify the stipulation and agreement at this time. However, the Commission believes that in this context, "file with the Commission" is most reasonably interpreted as meaning provide to the Commission's Staff rather than file in EFIS as part of the case file. Consequently, the Commission finds that Ameren Missouri can satisfy the requirements of the stipulation and agreement by providing the plans and specifications to the Commission's Staff.

This file may be reclosed.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Dated at Jefferson City, Missouri,
on this 23rd day of September, 2019.

Woodruff, Chief Regulatory Law Judge

² *State ex rel. Mo. Cable Telecommunications Ass'n. v. Mo. Pub. Serv. Com'n*, 929 S.W.2d 768 (Mo. App. 1996).