

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 11<sup>th</sup>  
day of January, 2017.

In the Matter of Ameren Missouri's Request for a     )  
Variance from Certain Provisions of 4 CSR 240     )  
Chapter 22 Regarding Electric Utility Resource     )  
Planning.     )

**File No. EE-2017-0098**

**ORDER GRANTING WAIVERS**

Issue Date: January 11, 2017

Effective Date: February 10, 2017

On September 30, 2016, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) asked the Commission to grant it variances from certain provisions of 4 CSR 240-22, the Commission's Integrated Resource Planning (IRP) rule. Ameren Missouri is required by the rule to triennially submit an IRP filing and is scheduled to file its next triennial compliance filing not later than October 1, 2017.<sup>1</sup> The specific variances requested, and the good cause for each of those variances, are listed in Attachment A to the *Request for Variance Pursuant to Certain Provisions of 4 CSR 240 Chapter 22*.

The Commission issued notice of the application and set the time for filing requests to intervene, responses to the application, and a Staff recommendation. Several applications to intervene were received and granted, however, no party objected to the request for variance. The Staff of the Missouri Public Service

---

<sup>1</sup> See, Order Granting Variance issued July 22, 2015, in File No. EE-2015-0316.

Commission (Staff) filed *Staff's Non-Objection to Requested Relief* on December 28, 2016.

In its response, Staff stated that Ameren Missouri had met with stakeholders during its resource planning advisory group meetings and received input with regard to the lack of strict compliance with the provisions of 4 CSR 240-22. Staff also noted that each of the waivers requested in this case were previously approved, with the exception of the request for a waiver of 4 CSR 240-22.080(5)(A), in File No. EE-2014-0089. Staff indicated that it had no objection to Ameren Missouri's request based on the good cause statements set forth in Attachment A to the application.

## **Discussion**

The Commission has jurisdiction to grant a variance from these rules under the provisions of Commission Rule 4 CSR 240-14.010(2). Additionally, because no party objects to the application and no hearing request has been made, no evidentiary hearing is required.<sup>2</sup> Thus, the Commission deems the hearing requirement waived,<sup>3</sup> and bases its findings on the verified filings.

Commission Rule 4 CSR 240-22.080(13) states:

(13) Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of 4 CSR 240-22.030–4 CSR 240-22.080 for good cause shown. The commission may grant an application for waiver or variance filed less than twelve (12) months prior to the triennial compliance filing upon a showing of good cause for the delay in filing the application for waiver or variance.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter

---

<sup>2</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

<sup>3</sup> Section 536.060, RSMo 2000.

does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

Based upon the verified pleadings, the Commission finds good cause to waive the requested portions of the rule. In File No. EE-2015-0316, Ameren Missouri was ordered to make its next triennial IRP filing on October 1, 2017. Thus, Ameren's application in this file, filed on September 30, 2016, was made 12 months in advance of its required triennial compliance filing. In Attachment A, Ameren Missouri has pled good cause for the waivers, and no party has objected. Therefore, the Commission will grant the request.

**THE COMMISSION ORDERS THAT:**

1. The *Request for Variance Pursuant to Certain Provisions of 4 CSR 240 Chapter 22* filed on September 30, 2016 is granted.
2. This order shall become effective on February 10, 2017.
3. This file shall be closed on February 11, 2017.



**BY THE COMMISSION**

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney,  
Rupp, and Coleman, CC., concur.

Dippell, Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 11<sup>th</sup> day of January 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**January 11, 2017**

**File/Case No. EE-2017-0098**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

James Owen  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Missouri Division of Energy**

Alexander Antal  
10 Clinton Dr., Unit A  
Columbia, MO 65203-6520  
Alexander.Antal@ded.mo.gov

**Missouri Industrial Energy  
Consumers (MIEC)**

Edward F Downey  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65101  
efdowney@bryancave.com

**Missouri Industrial Energy  
Consumers (MIEC)**

Lewis Mills  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65101-1574  
lewis.mills@bryancave.com

**Missouri Industrial Energy  
Consumers (MIEC)**

Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Missouri Public Service  
Commission**

Nathan Williams  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
nathan.williams@psc.mo.gov

**Natural Resources Defense  
Council**

Kathleen G Henry  
319 No. Fourth St., Ste. 800A  
St. Louis, MO 63102  
khenry@greatriverslaw.org

**Natural Resources Defense  
Council**

Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Union Electric Company**

Paula Johnson  
1901 Chouteau Ave  
St Louis, MO 63103  
AmerenMOService@ameren.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

---

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.