

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 1st day of June, 2022.

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Request for a)
Waiver from Tariff Sheets 146 through 150)

File No. EE-2022-0329

**ORDER GRANTING WAIVERS
AND GRANTING EXPEDITED TREATMENT**

Issue Date: June 1, 2022

Effective Date: June 8, 2022

On May 27, 2022, Union Electric, d/b/a Ameren Missouri filed a request for a waiver of a portion of its tariff that sets out an Emergency Energy Conservation Procedure to be implemented when its coal supply reaches specified levels. Ameren Missouri also requested a waiver of Commission Rule 20 CSR 4240-4.017(1) requiring notice 60 days before filing its request with the Commission. Additionally, Ameren Missouri requested expedited treatment so that the Commission's decision would be effective no later than June 8, 2022. Ameren Missouri represented that the Staff of the Commission and the Office of the Public Counsel did not object to the waivers being granted.

Ameren Missouri explains in its motion that, currently, Mo. P.S.C. Schedule No. 6, Sheet Nos. 146 through 150, Emergency Energy Conservation Procedure, requires it to take certain actions when its coal supply drops below specified levels. This procedure was originally put in place in the late 1970s, and was adopted by all the investor-owned electric utilities at the time. The purpose of the procedure was to both provide notice to the public and to require Ameren Missouri to take actions designed to encourage and, if necessary, require reduced electric energy usage. Ameren Missouri suggests that the

timeframe in the tariff for the notice and conservation actions is outdated given the development of Regional Transmission Organizations (RTOs), such as the Midcontinent Independent System Operator (MISO) of which Ameren Missouri is a member, that have procedures in place to ensure all necessary steps are being taken to address reliability issues. Ameren Missouri argues that following the procedure as outlined in its tariff would be unnecessarily alarmist and confusing to customers and the general public since current below-target coal inventories do not constitute an immediate emergency.

Ameren Missouri also argues that as a member of MISO utility-specific coal supply is no longer appropriate to use as the primary indicator of a utility's baseload generation reliability. Ameren Missouri states that while its coal supply is currently lower than normal, that level does not pose a concern to generation reliability or create an electricity emergency because MISO currently has sufficient generation available to ensure reliability for Ameren Missouri's customers. Ameren Missouri requests the Commission grant it a waiver from the requirements in the tariff and allow it to follow a modified procedure until revised tariff sheets to update the procedure on a permanent basis can be processed.

The modifications Ameren Missouri requests are as follows:

A. The number of days listed in each step of the procedure will be modified as follows:

1. 50 days in Step 1 will become 30 days,
2. 40 days found in Step 2 will become 20 days,
3. 30 days found in Step 3 will become 15 days, and
4. 25 days found in Step 4 will become 10 days.

B. Reaching any of the days listed in the modified procedure will not function as an automatic trigger for taking the associated Step. Instead, Ameren Missouri will inform Staff and Public Counsel if the modified days are reached at any particular Step. If Ameren Missouri does not believe the applicable Step actions should be taken despite having reached the days level that would otherwise trigger taking a particular Step, Ameren Missouri

will, within two (2) business days after the Step would have otherwise been triggered, file a further variance request to be relieved of taking that Step along with documentation and explanations of the specific circumstances that justify that decision. If such a filing is timely made, the obligation to take that Step shall be suspended until such time as the Commission rules on the variance request.

Ameren Missouri requests that the modified procedure remain in effect until an updated and permanent modification of the Emergency Energy Conservation Procedure can become effective. Ameren Missouri states that it had already committed to filing such an update in response to a Staff report in File No. EO-2022-0215; however, Ameren Missouri states that it will accelerate that commitment and plans to file new tariff sheets no later than June 10, 2022.

Ameren Missouri also commits to keeping Staff and Public Counsel informed of its generation reliability status by maintaining regular calls and/or emails every two weeks and providing Staff and Public Counsel weekly generation status reports through September 30, 2022. Those status reports will contain at a minimum:

- A. Projected maximum load;
- B. Projected max/min ambient temperatures;
- C. Projected MISO market prices over the next week;
- D. Projected probability that MISO will call for a curtailment over the next week; and
- E. Whether each generating unit is available, derated, or on outage (with estimated restoration date).

The Commission shortened the usual time for responses and received a response from Staff on May 31, 2022. Staff explained that in File No. EO-2022-0215, it recommended, and the Commission directed, Ameren Missouri update its existing tariffs, including the Emergency Energy Conservation Procedure. Staff states that it does not

object to Ameren Missouri's proposed modifications with the reporting requirements as set out in its motion. No other party responded.

Ameren Missouri's tariff at Mo. P.S.C. Schedule No. 6, Tariff Sheet No. 105, also provides for a waiver of any portion of its tariffs for good cause shown. After reviewing Ameren Missouri's request for a waiver and modification of the Emergency Energy Conservation Procedure as set out in its tariff, and after reviewing Staff's response, the Commission finds Ameren Missouri has demonstrated good cause for a waiver of the specified portions of the procedure in its tariff as outlined above. The procedure put in place in the late 1970s, before RTOs existed, is out-of-date considering the current structure of the electric utility industry. Further, Ameren Missouri has committed to filing revised tariff sheets to update the emergency procedure no later than June 10, 2022. The Commission agrees that requiring Ameren Missouri to follow the steps as currently stated in the tariff would cause alarm and confusion to Ameren Missouri's customer and the general public by requiring emergency procedures when there is no emergency. Thus, the Commission finds good cause to grant the waiver and modification of the tariff on a temporary basis while its tariff revisions are considered and processed. Therefore, the Commission will grant the waiver and modification for only 45 days. If new tariffs are not approved before that time, Ameren Missouri may request an extension of the waiver.

For the same reasons that good cause exists to grant the waiver, the Commission finds it reasonable to grant Ameren Missouri's motion for expedited treatment and to make this order effective in less than 10 days.

Finally, in addition to waiver and modification of the tariff provisions, Ameren Missouri requested a waiver of 20 CSR 4240-4.017(1) requiring notice of intended case filings to be filed at least 60-days prior to the application. Commission Rule 20 CSR

4240-4.017(1)(D) allows the Commission to grant a waiver of the 60-day notice requirement for good cause. Ameren Missouri stated that it has had no communication with the Office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case. The Commission finds good cause to waive the 60-day notice requirement and it will be granted.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's *Request for a Waiver of the Procedure Found at Schedule No. 6, Tariff Sheet Nos. 146 through 150, Waiver of 60-Day Notice in 20 CSR 4240-4.017(1), and Motion for Expedited Treatment* is granted.

2. Ameren Missouri is granted a waiver from and a modification of Mo.P.S.C. Schedule No. 6, Sheet Nos. 146 through 150, Emergency Energy Conservation Procedure, through July 23, 2022, as follows:

A. The number of days listed in each step of the procedure will be modified as follows:

1. 50 days in Step 1 will become 30 days,
2. 40 days found in Step 2 will become 20 days,
3. 30 days found in Step 3 will become 15 days, and
4. 25 days found in Step 4 will become 10 days.

B. Reaching any of the days listed in the modified procedure will not function as an automatic trigger for taking the associated Step. Instead, Ameren Missouri will inform Staff and Public Counsel if the modified days are reached at any particular Step. If Ameren Missouri does not believe the applicable Step actions should be taken despite having reached the days level that would otherwise trigger taking a particular Step, Ameren Missouri will, within 2 business days after the Step would have otherwise been triggered, file a further variance request to be relieved of taking that Step along with documentation and explanations of the specific circumstances that justify that decision. If such a filing is timely made, the obligation to take that Step shall be suspended until such time as the Commission rules on the variance request.

3. Ameren Missouri shall keep Staff and Public Counsel informed of its generation reliability status by maintaining regular calls and/or emails every two weeks and providing Staff and Public Counsel weekly generation status reports through September 30, 2022. Those status reports shall contain at a minimum:

- A. Projected maximum load;
- B. Projected max/min ambient temperatures;
- C. Projected MISO market prices over the next week;
- D. Projected probability that MISO will call for a curtailment over the next week; and
- E. Whether each generating unit is available, derated, or on outage (with estimated restoration date).

4. Ameren Missouri shall submit its proposed tariffs revising Mo.P.S.C. Schedule No. 6, Sheet Nos. 146 through 150, Emergency Energy Conservation Procedure no later than June 10, 2022.

5. Ameren Missouri is granted a waiver of the 60-day notice requirement in 20 CSR 4240-4.017(1).

6. This order shall become effective on June 8, 2022.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Dippell, Deputy Chief 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 1st day of June, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 1, 2022

File/Case No. EE-2022-0329

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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.