

**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 Approval of a )  
Variance Regarding the Timing of Its Triennial )  
Decommissioning Filing Required by 20 CSR 4240- )  
20.070(4) for the Callaway Energy Center )

**Case No. EE-2021-0051**

**RESPONSE TO REQUEST FOR VARIANCE**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through Staff Counsel's Office, and in response to the Commission's Order Directing Response to Request for Variance, states that it does not object to the request for variance filed by Union Electric Company d/b/a Ameren Missouri on August 24, 2020. Staff states the following in support:

**Background**

1. Under Section 393.292, RSMo (2016), the Commission may review and authorize changes to the rates and charges of electric corporations such as Ameren Missouri "as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund only after a full hearing and after considering all facts relevant to such funding level or accrual rate."

2. Every three years, electric corporations such as Ameren Missouri must "perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs." 20 CSR 4240-20.070(4) (2019).

3. In its verified application for a waiver, Ameren Missouri requests an extension of its deadline from September 1, 2020, to December 31, 2020.<sup>1</sup>

---

<sup>1</sup> *Request for Variance*, File No. EE-2021-0051 (August 24, 2020).

4. In support of its request, Ameren Missouri cites exigent circumstances involving the COVID-19 pandemic and tropical storms causing power and internet outages for the entity performing the study under Ameren Missouri's direction. Ameren Missouri further states that it is confident it will be able to submit the study in advance of that date, but it is requesting an extension through December 31, 2020, in order to hedge against unforeseen circumstances.<sup>2</sup>

5. Finally, Ameren Missouri asserts that an extension is necessary to prepare the necessary studies in a deliberate and effective manner, and to prepare and submit a triennial filing that is as complete and accurate as possible.<sup>3</sup>

6. Concurrent with its filing in this case, Ameren Missouri has filed its 60-day Notice of Case Filing in Case Number EO-2021-0050 for its triennial decommissioning filing under 20 CSR 4240-20.070(4) (2019).

### **No Objection**

7. The Commission is authorized, upon proper application and after due notice and hearing,<sup>4</sup> to waive any provision of 20 CSR 4240-20.070, for good cause shown. 20 CSR 4240-20.070(17) (2019).

8. The Commission has previously granted a deadline extension for a triennial decommissioning study where the extension would result in a more complete and accurate study.<sup>5</sup>

---

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> The hearing requirement is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Pub. Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

<sup>5</sup> *Order Granting Variance*, File No. EE-2015-0046 (Aug. 27, 2014) (finding good cause for waiver where Ameren Missouri had a then-pending request before Nuclear Regulatory Commission to extend the life of its Callaway unit from 2024 to 2044, and the remaining lifespan of the Callaway unit would affect the decommissioning cost analysis).

9. To the extent Ameren Missouri's proposed extension will result in a more complete and accurate triennial filing, Ameren Missouri has shown good cause for the extension.

10. Moreover, Ameren Missouri's verified application states that it is confident it will be able submit its study prior to December 31, 2020. In light of this, Ameren Missouri's request for an extension through December 31, 2020, to guard against further exigent circumstances is not unreasonable and would avoid the administrative burden of filing and responding to further extension requests.

11. Accordingly, Staff does not object to Ameren Missouri's request for an extension through December 31, 2020.

**WHEREFORE** Staff does not object to the *Request for Variance* filed by Ameren Missouri on August 24, 2020, requesting an extension through December 31, 2020, of the deadline for Ameren Missouri's triennial decommissioning study under 20 CSR 4240-20.070(4) (2019).

Respectfully submitted,

**/s/ Curt Stokes**

Curtis R. Stokes #59836  
Chief Deputy Counsel  
Attorney for Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360  
(573) 751-4227 (Telephone)  
(573) 751-9285 (Facsimile)  
[Curtis.Stokes@psc.mo.gov](mailto:Curtis.Stokes@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing have been emailed to all parties and/or counsel of record on this 27<sup>th</sup> day of August, 2020.

**/s/ Curt Stokes**