

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 31<sup>st</sup> day of  
October, 2012.

In The Matter of a Determination of Special )  
Contemporary Resource Planning Issues to be )  
Addressed by Ameren Missouri in its Next )  
Triennial Compliance Filing or Next Annual )  
Update Report )

**File No. EO-2013-0104**

**ORDER ESTABLISHING SPECIAL CONTEMPORARY RESOURCE  
PLANNING ISSUES**

Issue Date: October 31, 2012

Effective Date: November 1, 2012

A provision in the Missouri Public Services Commission's revised electric utility resource planning rule, 4 CSR 240-22.080(4), requires Missouri's electric utilities to consider and analyze special contemporary issues in their triennial compliance filings and in their annual update reports. The regulation provides that by September 15 of each year, Staff, Public Counsel, and other interested parties may file suggested issues for consideration. The regulation allows the utilities and other parties until October 1 to file comments regarding the suggested issues. The regulation requires the Commission to issue an order by November 1 of each year specifying the list of special contemporary issues that each electric utility must address.

The Commission's Staff, the Missouri Department of Natural Resources (MDNR), and the Sierra Club filed suggested special contemporary issues for Union Electric Company d/b/a Ameren Missouri to analyze and respond to in its next integrated resource

plan (IRP) filing. Ameren Missouri filed responses to those suggestions. The Commission must now determine what special contemporary issues Ameren Missouri should address.

This is not a contested case. The Commission does not need to hear evidence before reaching a decision and does not need to make findings of fact and conclusions of law in announcing that decision.<sup>1</sup> The Commission's rule gives the Commission broad discretion in determining what issues a utility should be required to address, indicating:

[t]he purpose of the contemporary issues lists is to ensure that evolving regulatory, economic, financial, environmental, energy, technical, or customer issues are adequately addressed by each utility in its electric resource planning. Each special contemporary issues list will identify new and evolving issues but may also include other issues such as unresolved deficiencies or concerns from the preceding triennial compliance filing.<sup>2</sup>

It is also important to note that the Commission's IRP rules require Ameren Missouri to file a full IRP study once every three years. Ameren Missouri does not need to file its next full IRP study until April 1, 2014.<sup>3</sup> That means Ameren Missouri would need to address the special contemporary issues identified in this order in its 2013 annual update report, not in a full IRP study. This distinction is important because in its annual update report, the electric utility is only expected to address "changing conditions since the last filed triennial compliance filing or annual update filing."<sup>4</sup> For that reason, the requirement to examine special contemporary issues should not expand the limited annual update report into something more closely resembling a triennial compliance report.

After considering these factors, the Commission will adopt the list of special contemporary issues set forth in this order.

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<sup>1</sup> *State ex rel. Public Counsel v. Public Service Com'n*, 259 S.W.3d 23, 29 (Mo App. W.D. 2008)

<sup>2</sup> 4 CSR 240-22.080(4).

<sup>3</sup> 4 CSR 240-22.080(1)(A).

<sup>4</sup> 4 CSR 240-22.080(3)(B).

**THE COMMISSION ORDERS THAT:**

1. Union Electric Company d/b/a Ameren Missouri shall analyze and document the following special contemporary issues in its 2013 annual update report:
  - a. Investigate and document the impacts on the Company's preferred resource plan and contingency plans of aggressive regulations by the FERC, regional transmission organizations ("RTOs") or Missouri statutes or regulations to allow aggregators of retail customers ("ARCs") to operate and market demand response services in Missouri; and
  - b. Analyze and document the impacts of opportunities to implement distributed generation, DSM programs and combined heat and power (CHP) projects in collaboration with municipal water treatment plants and other local waste or agricultural/industrial processes with on-site electrical and thermal load requirements, especially in targeted areas where there may be transmission or distribution line constraints.
2. This order shall become effective on November 1, 2012.

**BY THE COMMISSION**



**Steven C. Reed**  
**Secretary**

( S E A L )

Gunn, Chm., Kenney  
and Stoll, CC., concur.  
Jarrett, C., dissent with  
dissenting opinion to follow.

Woodruff, Chief Regulatory Law Judge