

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 6th day of October, 2021.

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri For)
Authorization to Enter into a Contract With a) **File No. EM-2021-0309**
Third-Party for Utilization of Fiber Optic Capacity)
Not Currently Utilized for Electric Operations)

**ORDER GRANTING VERIFIED
APPLICATION TO LEASE FIBER CAPACITY**

Issue Date: October 6, 2021

Effective Date: November 5, 2021

On June 11, 2021, Union Electric Company d/b/a Ameren Missouri filed an application to lease fiber capacity to MCC Network Services, LLC (MCC). Ameren Missouri proposes to lease 12 strands of “dark fiber” over an approximately 1.67-mile portion of Ameren Missouri’s Sioux to Meppen 345 kilovolt transmission line where it crosses the Mississippi River between Missouri and Illinois.

On September 22, 2021, the Staff of the Commission filed its Recommendation. Staff recommends that the Commission approve the lease, with conditions. Staff finds the lease is not detrimental to the public interest, because (a) the proposed line will have excess capacity, (b) Ameren may cancel the lease early with no financial liability, and (c) MCC’s use of the line for internet services will not interfere with Ameren Missouri’s use for utility purposes.

Staff also states that since Ameren Missouri filed the application, Staff has become aware of Ameren Missouri beginning a research and development project at its Sioux

Energy Center. Staff requests that the Commission order Ameren Missouri to notify the Commission if it intends to use the leased cable in its Sioux Energy Center project. Staff also recommends that the Commission order Ameren to notify the Commission if it intends to terminate or modify the lease. And lastly, Staff requests the Commission note in its order that it makes no ratemaking determination regarding this lease.

Ameren Missouri responded on September 27, 2021, stating that it accepts Staff's conditions. The Commission received no other responses.

Section 393.190.1, RSMo (2016), requires Commission approval for the sale, assignment, lease, transfer or other disposition of "the whole or any part of" an electrical corporation's "franchise, works or system, necessary or useful in its performance of its duties to the public." In evaluating an application for authority to transfer utility assets, the Commission considers whether the transfer will be "detrimental to the public."¹

The Commission finds that the proposed transfer will not be detrimental to the public interest. The Commission will approve the application, subject to the conditions requested by Staff.

¹ *State ex rel. City of St. Louis v. Pub. Serv. Comm'n*, 73 S.W.2d 393, 399-400 (Mo. banc 1934).

THE COMMISSION ORDERS THAT:

1. The Commission approves Ameren Missouri's application to lease fiber capacity to MCC, subject to the following conditions.
2. Ameren Missouri shall notify the Commission if it intends to use the leased cable described in its application for its Sioux Energy Center Research and Development project.
3. Ameren Missouri shall notify the Commission as soon as practicably possible if it intends to terminate or modify its lease to MCC.
4. The Commission makes no finding or ratemaking determination that precludes the Commission from considering the ratemaking treatment to be afforded any matters in any later proceeding.
5. This order shall become effective on November 5, 2021.
6. This file shall be closed on November 6, 2021.



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.

Pridgin, 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 6th day of October, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 6, 2021

File/Case No. EM-2021-0309

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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.