

**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 a Variance)
from the Provisions of Its LED Lighting Tariff Limits)
in/for Cape Girardeau, Missouri, in Anticipation)
of Longer-Term Tariff Revisions)
File No. EE-2020-0107

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and files its Staff Recommendation in this matter:

1. On October 16, 2019 Union Electric Company, d/b/a Ameren Missouri (Ameren) filed an *Application and Request for Waiver* (Application) seeking a variance from that part of Sheet No. 58.5 of its tariff which limits the number of annual customer-requested light-emitting diode (LED) light conversions to up to 1000 total and 25 per customer. Ameren filed this application because the city of Cape Girardeau requested that Ameren convert over 1000 street lights to LED lights. Ameren also requests a waiver from the 60 day notice requirement of 20 CSR 4240-4.017.

2. On October 17, 2019 the Commission ordered Staff to file a recommendation by December 16, 2019.

3. Commission Rule 20 CSR 4240-2.060(4) allows a utility to request a variance from tariff provisions on good cause shown. Further, Sheet No. 105 of Ameren’s tariff provides that the “Company may make written application to the Commission to seek the approval of a waiver of any specified portion of these filed tariffs for good cause shown.”

4. Staff opines that good cause exists for the requested variance, as to the city of Cape Girardeau, and to other Ameren customers, for the interval of time described below.

5. Ameren states in its Application that to date, the number of its customer-requested LED installations are low and have not approached the tariff's cap. However, once the city of Cape Girardeau requested the installation of over 1000 LED lights, it determined that the limits of Sheet No. 58.5 are no longer relevant.

6. Ameren represented that it would have requested a tariff change of the per-customer limitation of Sheet No. 58.5 except that this sheet is suspended in the current electric rate case, Case No. ER-2019-0335.¹ Ameren represents that it will examine an "increase of the limits at the appropriate time procedurally."²

7. Ameren's request for a variance is reasonable, but the variance should be of limited duration. For this reason, Staff proposes that the variance expire 45 days after the effective date of the tariff sheets implementing Case No. ER-2019-0335. Staff suggests that Ameren filing a revised tariff sheet no later than 15 days after the effective date of the tariff sheets implementing the *Report and Order* in case number Case No. ER-2019-0335 would accommodate Ameren's procedural needs, which Staff relies upon for its recommendation of good cause for granting the requested waiver.

8. Staff does not object to Ameren's request for a waiver of the 60 day notice requirement of 20 CSR 4240-4.017

¹ In Case No. ER-2019-0335 Ameren requests a slight change in this portion of its tariff. Ameren proposes that this existing language:

"Customer requests for LED lights will not be accepted prior to April 1, 2016..." be replaced with:

"Customer requests for LED lights are now being accepted..."

² Ameren, *Application and Request for Waiver* (Oct. 16, 2019) note 7.

WHEREFORE, Staff recommends the Commission issue an order approving Ameren's requested variance from Sheet No. 58.5, allowing Ameren to convert existing lighting to LED bulbs to the extent resources allow, said variance expiring 45 days after the tariff sheets implementing Case No. ER-2019-0335 take effect. Staff also recommends that the Commission grant Ameren's request for a waiver of the 60 day notice requirement of 20 CSR 4240.4-017.

Respectfully submitted,

/s/ Karen E. Bretz

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties and/or counsel of record on this 9th day of December, 2019.

/s/ Karen E. Bretz