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Cash Working Capital
Witness: Charles Steib
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Sponsoring Party: Union Electric Company
File No.: ER-2022-0337
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MISSOURI PUBLIC SERVICE COMMISSION

FILE NO. ER-2022-0337

REBUTTAL TESTIMONY

OF

CHARLES STEIB

ON

BEHALF OF

UNION ELECTRIC COMPANY

D/B/A AMEREN MISSOURI

**St. Louis, Missouri
February, 2023**

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REBUTTAL TESTIMONY

OF

CHARLES STEIB

FILE NO. ER-2022-0337

I. INTRODUCTION

1

2

Q. Please state your name and business address.

3

4

A. Charles Steib, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103.

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Q. What is your position with Ameren Missouri?

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A. I am a Senior Financial Specialist.

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Q. Please describe your educational background and employment experience.

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A. I received a Bachelor of Science in Business Administration in 2001 and a Master's in Business Administration in 2009 from the University of Missouri – St. Louis. I am a licensed Certified Public Accountant in the State of Missouri. I started my employment at Ameren Services in November 2001 in the Customer Accounts department. From 2003 to 2007, I worked in the Treasury department. In 2007, I joined the Ameren Services Controller's function, and from 2007 to 2017, I worked in the Plant Accounting department. From 2017 to 2020, I worked in the General Accounting department. From 2020 to present, I have been working for Ameren Missouri in the Regulatory Accounting department. My primary duties and responsibilities include preparation of the revenue

1 requirement for Ameren Missouri rate filings, preparation of other regulatory filings as
2 required by Ameren Missouri and providing any related analysis as required.

3 **II. PURPOSE OF TESTIMONY**

4 **Q. What is the purpose of your rebuttal testimony in this proceeding?**

5 A. I am responding to the following issues: (1) Dues and Donations (Staff
6 witness Antonija Nieto) and (2) Cash Working Capital (Staff witness Jared Giacone).

7 **III. MEMBERSHIP DUES**

8 **Q. Company witness Laura Moore has provided rebuttal testimony on**
9 **Staff's proposed adjustment to Edison Electric Institute ("EEI") membership dues.**
10 **What aspect of the membership dues issue does your testimony address?**

11 A. While Ms. Moore's rebuttal testimony provides evidence supporting the
12 inclusion of EEI dues in the revenue requirement, I will address the remaining dues in
13 Staff's adjustment not addressed by Ms. Moore.

14 **Q. Are there memberships where the Company agrees the related cost**
15 **should be excluded from the revenue requirement?**

16 A. Yes. The Company reviewed all vendors identified by Staff witness Nieto
17 in her adjustment and agrees that it is appropriate to remove an additional \$14,900 of
18 Chamber of Commerce dues in addition to the \$2,497 of Chamber dues removed in the
19 Company's membership dues adjustment from its direct case, for a total of \$17,397 in
20 Chamber dues to be removed from the test year.

1 **Q. Are there dues that Staff has adjusted out of the revenue requirement**
2 **which the Company disputes?**

3 A. Yes. In addition to the EEI dues and Chamber of Commerce dues just
4 described, Staff witness Nieto also proposes to disallow \$618,668 in additional
5 membership dues. Of this amount, \$303,580 relate to Greater St. Louis Inc. ("GSLI"),
6 \$195,095 relate to Hunton Andrews Kurth, and \$119,993 relate to 16 other organizations.
7 These amounts should all be included in the Company's revenue requirement.

8 **Q. Did Staff witness Nieto give a reason as to why these specific**
9 **membership dues should be excluded?**

10 A. No. I am advised by my attorney that without such an explanation, there is
11 no reason for the Commission to depart from the presumption of prudence for these
12 expenditures. "The PSC ordinarily applies a presumption of prudence in determining
13 whether a utility reasonably incurred its expenses *Office of Pub. Counsel*, 409 S.W.3d at
14 376. This presumption of prudence will 'not survive a showing of inefficiency or
15 improvidence that creates serious doubt as to the prudence of an expenditure. *Id.* (quotation
16 omitted). ""¹ If such a showing is made, the presumption drops out and the applicant has
17 the burden of dispelling these doubts and proving the questioned expenditure to have been
18 prudent."

19 Staff witness Nieto's testimony sets forth the standards used to evaluate these
20 expenditures but fails to provide any reason as to why any particular expenditure failed any
21 particular standard. This failure to explain why the expenditures were imprudent as it is

¹ Spire Mo., Inc. f/k/a Laclede Gas Co., v. PSC of Mo., v. OPC, Supreme Court of Missouri decision in SC97834, issued February 9, 2021.

1 relates to these recommendations means that the proposed disallowances should be
2 rejected.

3 **Q. Turning to the specific adjustments, what is Greater St. Louis Inc.?**

4 A. GSLI is a nonprofit economic development organization comprised of
5 businesses, institutions and organizations of all sizes that reflect the full diversity of the St.
6 Louis business community. GSLI represents a best-in-class, evidence-based framework to
7 align, structure, and invest significant resources to create a St. Louis economy that is both
8 more competitive and more inclusive. By working collaboratively, GSLI and its members
9 work to build regional capacity to create high-quality jobs and drive economic
10 development in the St. Louis community, with a focus on long-term growth and to have
11 the greatest collective community impact.

12 **Q. Why did Staff propose a disallowance of the membership dues for**
13 **GSLI?**

14 A. I am not certain. As explained above, Staff witness Nieto listed the criteria
15 for her audit of membership dues in her testimony; however, she did not explain why GSLI
16 dues failed any of those criteria or any other reason why they were proposed for
17 disallowance.

18 **Q. Do Ameren Missouri's customers benefit from Ameren Missouri's**
19 **membership in GSLI?**

20 A. Yes. The health and vitality of service area communities is critical to
21 Ameren Missouri. As a corporate leader in the state of Missouri, Ameren Missouri
22 frequently works in partnership with economic development agencies such as GSLI to
23 support initiatives aimed at workforce attraction, educational attainment, economic and

1 community development and community inclusion. Such interface is in keeping with
2 community stewardship, promotion of rate stability through economic development
3 (including economic development that leads to additional sales over which to spread the
4 Company's fixed costs), diversity equity and inclusion, and the attraction of talent for
5 Ameren Missouri operations, which in turn enables Ameren Missouri to provide quality
6 service to its customers.

7 As a result of membership, Ameren Missouri is also able to take advantage of
8 educational programs and seminars on emerging issues affecting the community and
9 various networking opportunities around such issues as economic development,
10 educational attainment, inclusion, workforce diversity, talent attraction, entrepreneurship
11 and innovation. Ameren Missouri's engagement provides opportunity to bring voice and
12 thought leadership on multiple community development initiatives affecting Ameren
13 Missouri operations.

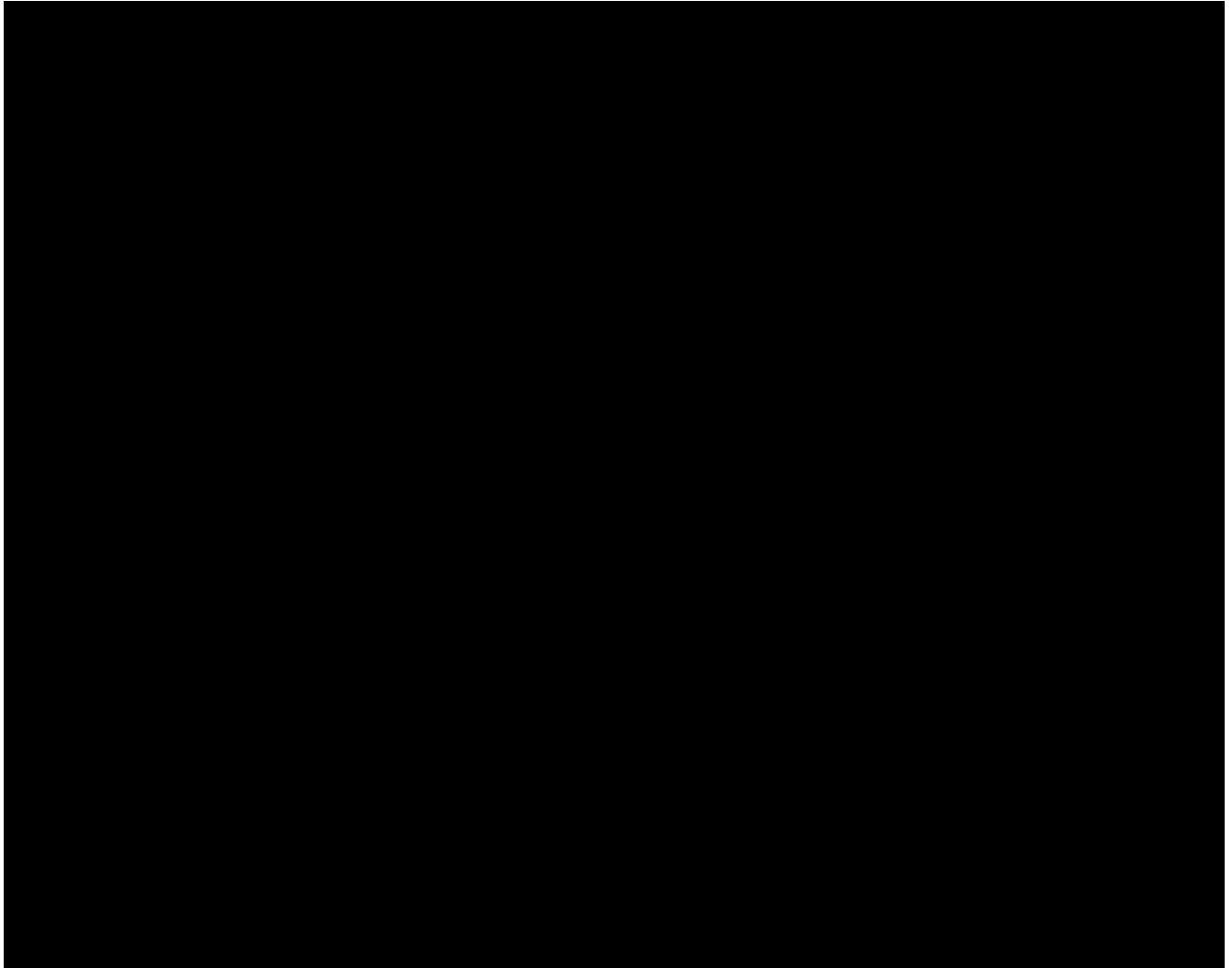
14 To provide some specific examples of the benefits that Ameren Missouri's
15 membership provides in support of GSLI's economic development initiatives in the St.
16 Louis area, below is Table 1, which shows projects that GSLI has played a key role over
17 the last two years:

1

TABLE 1

2

**



**

3

Q. Why should the Commission reflect approximately \$303,580 of GSLI

4

dues in the Company's revenue requirement?

5

A. The Commission should allow recovery of the Company's GSLI dues

6

because membership provides support for economic development within the communities

7

Ameren Missouri operates. As I just demonstrated, GSLI's initiatives have resulted in

8

thousands of new jobs and over a half billion dollars of investment in new business in

1 Ameren Missouri's operating territory. Additionally, membership allows Ameren Missouri
2 to attract top talent in its service territory as well as a diverse and inclusive workforce that
3 is representative of the community which it serves. These are all benefits to Ameren
4 Missouri customers.

5 **Q. Does GSLI engage in any lobbying activity that might be properly**
6 **disallowed?**

7 A. Yes. GSLI reports to the IRS that 6.5% of its dues go to pay lobbying and
8 political activities. Ameren Missouri excluded this amount from the test year in its direct
9 filing.

10 **Q. What is Hunton Andrews Kurth?**

11 A. Hunton Andrews Kurth LLP ("Hunton") is a law firm that provides services
12 to the Company including but not limited to providing legal consulting services related to
13 environmental matters and remitting payment for organization dues for environmental
14 related organizations.

15 **Q. Can you summarize the Hunton charges that Staff has proposed to**
16 **disallow in its adjustment?**

17 A. Yes. Staff witness Nieto proposed a disallowance of a total of \$195,095 of
18 Hunton charges. Of these, \$81,011 were for Utility Water Act Group ("UWAG") dues and
19 \$114,084 were for consulting fees for advisory services related to the Clean Air Act. The
20 total of \$195,095 Hunton charges should be included in the Company's revenue
21 requirement.

1 **Q. Why did Staff propose to disallow the Hunton charges just described?**

2 A. Again, I am not certain. As explained above, Staff witness Nieto's testimony
3 fails to provide any reason why these charges fail the criteria she used in conducting her
4 audit.

5 **Q. Why were the advisory consulting fees you mentioned earlier included**
6 **in an organization dues adjustment?**

7 A. The consulting charges were miscoded as organization dues in the general
8 ledger. They are not dues or donations. The nature of these services was broad and included
9 advising the Company on upcoming regulatory changes, current legal actions within the
10 industry associated with the Clean Air Act, and the potential effects to the Company. Given
11 the Company's significant compliance obligations in these areas, and the risks to the
12 Company and its ability to provide service if those obligations are not met, these services
13 are critical to the Company's operations and should not be excluded from the revenue
14 requirement.

15 **Q. What is UWAG?**

16 A. The UWAG is a voluntary, ad hoc, non-profit, unincorporated group of
17 individual electric power generation and/or transmission and distribution companies and
18 three national industry trade associations – EEI, the National Rural Electric Cooperative
19 Association ("NRECA"), and the American Public Power Association ("APPA"). UWAG
20 was formed to obtain legal advice and representation on regulatory matters arising under
21 the Clean Water Act ("CWA") and other relevant statutes addressing water-related issues.
22 UWAG advocates on behalf of its members on regulatory matters under the CWA. By
23 tracking all stages of key federal rulemakings and litigation and certain state rulemakings,

1 UWAG provides members with timely information they can then use in permitting and
2 interpretation of regulations as well as in working with their states to implement major
3 United States Environmental Protection Agency ("EPA") initiatives under the CWA.
4 UWAG also responds to individual members' questions about the scope and content of
5 CWA rulemakings and litigation. UWAG provides additional support to members by
6 providing technical and legal expertise in a cost-effective manner.

7 UWAG's overall goal is to advance cost-effective and flexible CWA policies that
8 protect human health and the environment while assuring reliable electric power supplies.
9 It does so by advocating on legal issues and related policy, scientific, and technical matters
10 arising from water-related regulations, policies, and guidance affecting electricity
11 generation, transmission, and distribution facilities. UWAG coordinates closely with EEI,
12 APPA, NRECA, the Electric Power Research Institute ("EPRI"), and other utility and
13 industry groups in areas of common interest.

14 UWAG informs, evaluates, and represents the interests of the membership in
15 matters primarily relating to rulemakings and policies of the EPA and the United States
16 Army Corps of Engineers ("USACE") under the CWA. Advocacy before other federal
17 agencies or state authorities also is considered at the request of members or as they relate
18 to the CWA. UWAG advocates on behalf of its membership by fostering constructive
19 working relationships with agencies, industry trade associations, and other advocacy
20 groups. Specific activities to support this purpose include providing legal and related
21 factual, technical, and policy comments on proposed regulations and emerging issues;
22 providing member education on emerging issues through workshops and conference calls,
23 as needed; engaging in litigation over rulemakings or decisions by EPA, USACE, or other

1 federal or state regulators when deemed critical to the interests of UWAG members; and
2 providing members with up-to-date information about CWA compliance.

3 The UWAG group's charter *prohibits any legislative lobbying activities*.

4 In response to Staff DR 331, which is attached to my testimony as Schedule CLS-
5 R1, the Company has provided a detailed listing of the many services that UWAG has
6 provided during the 12 months ending December 31, 2021. It is obvious that the Company
7 must plan for and comply with the many water-related regulations that impact its business,
8 and it is equally obvious that the services UWAG provides benefits the Company and,
9 consequently, its customers. The dues paid to UWAG during the test year of \$81,011 are
10 less than the average salary of one full time employee. Although, quantifying the cost that
11 Ameren Missouri would have to pay on the open market for the benefits provided by
12 UWAG membership would not be easy, it is reasonable to conclude that the cost would be
13 far greater than \$81,011. This cost should be included in the Company's revenue
14 requirement.

15 **Q. You mentioned that Staff also proposed to disallow \$119,993 in dues**
16 **for 16 other organizations. Did Staff indicate in testimony why it disallowed the dues**
17 **for any of these 16 organizations specifically?**

18 A. Staff witness Nieto did indicate in testimony the criteria for her audit,
19 however she did not indicate which criteria applied to these organizations specifically.

1 **Q. Is there good reason for these organizational dues to be included in the**
2 **revenue requirement?**

3 A. Yes. These memberships and fees for industry resources, economic
4 development, and diversity equity and inclusion all provide benefits to customers and
5 should be included in the revenue requirement.

6 **Q. How do Ameren Missouri customers benefit from Ameren Missouri's**
7 **membership in these types of organizations?**

8 A. The Company holds several industry group memberships relating to
9 utilities, energy, and environmental. These memberships provide access to industry trends,
10 market research, educational resources, and a general sharing of knowledge to ensure that
11 educated business decisions are made. An example of a membership of this type that
12 customers benefit from is the UWAG, mentioned previously. These types of industry
13 memberships allow the Company access to legal and technical resources that function as
14 an extension of the Company's staff, but at much less expense than if the Company acquired
15 the resources independently. This benefits customers by allowing the Company to more
16 effectively and cost efficiently comply with laws and regulations.

17 Staff witness Nieto also proposed removal of certain memberships to organizations
18 that support economic development within the communities Ameren Missouri operates. I
19 discussed GSLI in detail earlier, however she also proposed removing memberships to
20 other organizations such as the St. Louis Area Business Health Coalition, Kirksville
21 Regional Economic Development Inc. and Jefferson County Growth and Development
22 Association, which all do similar work in economic development in other communities
23 Ameren Missouri serves. Ameren Missouri benefits from these memberships from

1 increased sales through a strengthened business community and increased economic
2 activity as well as access to a talented workforce that is representative of the communities
3 in which it serves. And, more importantly, customers benefit through investment in new
4 and existing local businesses and lower costs due to increased sales over which to spread
5 the Company's fixed costs.

6 Finally, Staff witness Nieto proposed removal of memberships in organizations
7 related to the Company's diversity, equity, and inclusion ("DE&I") initiatives. For
8 example, the cost for Ameren Missouri's American Association of Blacks in Energy
9 ("AABE") job subscription membership was proposed for disallowance. Memberships in
10 organizations like the AABE allow Ameren Missouri to stand behind its corporate value
11 of DE&I. These DE&I initiatives help the Company to create a better, more inclusive work
12 environment, which is critical in today's competitive labor market to our efforts to recruit
13 and retain a strong, competent, and diverse workforce that can better serve customers.

14 **IV. CASH WORKING CAPITAL**

15 **Q. In the cash working capital calculation, did Staff use a different sales tax**
16 **revenue lag factor than the Company?**

17 A. Yes. Staff utilized a revenue lag that excluded the service lag component, but
18 included a service lag component for the expense lead.

19 **Q. Do you agree with this change?**

20 A. No. Staff is grouping sales tax with other pass-through taxes, like the gross
21 receipts tax, by excluding the service lag from the revenue lag component. However, these
22 two types of taxes have different statutory requirements and thus must be treated differently
23 in calculating the cash working capital factors.

1 The gross receipts tax is a tax on Ameren Missouri *itself* that is passed-through to
2 customers. The tax is based on the Company's gross receipts instead of its service or sales
3 to customers. Theoretically, if no gross receipts existed, the Company would not owe any
4 tax. Accordingly, the service lag component is appropriately removed from the revenue
5 lag.

6 On the other hand, sales tax is a tax on Ameren Missouri's *customers* based on the
7 service provided (i.e., sale of electricity service). The sale to a customer occurs when the
8 service is provided, not when the customer makes their payment. Sales taxes are calculated
9 on the customer's electric usage (i.e., service) and the service lag should therefore be
10 included in the revenue lag component.

11 Additionally, if Staff's position is to remove the service lag component of the revenue
12 lag, then to be consistent, the service component of the expense lead should also be removed.
13 In File No. ER-2021-0240, the Company completed the lead lag study in which the factors used
14 in this case were calculated. In that case, Staff removed the service lead component of the
15 expense lead for Sales Taxes and calculated an expense lead factor of (7.37). If Staff's position
16 is to remove the service lag component of the revenue lag for Sales Taxes, then Staff should be
17 consistent and remove the service lead component from the expense lead also and use an
18 expense lead factor of (7.37) for Sales Taxes.

19 The sales tax process the Company uses has remained the same for the past several
20 rate cases. Historically, the Company has calculated the cash working capital requirements
21 for sales taxes with the service lag component included in the revenue lag. Nothing has
22 materially changed in the sales tax process that supports a change in the calculation of the

Rebuttal Testimony of
Charles Steib

1 cash working capital requirements for sales taxes. Sales taxes are not a pass-through tax
2 and should not be treated as one in determining the cash working capital requirement.

3 **Q. Does this conclude your rebuttal testimony?**

4 A. Yes, it does.

Ameren Missouri's
Response to MPSC Data Request - MPSC
ER-2022-0337

In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust Its Revenues
for Electric Service

No.: MPSC 0331

For the following groups, please provide the “yearbook” and all other documentation that Ameren Corporation, Ameren Missouri and Ameren Services Company has access to and/or possesses that summarizes the group’s activities, projects, and accomplishments that occurred during the period covering October 1, 2021 through December 31, 2022 (updating when available): a) Edison Electric Institute, b) Utility Water Act Group (UWAG), c) Utility Solid Waste Activities Group (USWAG), d) Midwest Ozone Group, and f) Illinois Energy Regulatory Group (IERG). This documentation should include descriptions of the activities in both the governmental relations/lobbying and non-lobbying areas. Provide all documentation that addresses the referenced time period above. Reference Ameren Case No. ER-2021-0240 DR 192. Requested by Antonija Nieto (Antonija.nieto@psc.mo.gov <<mailto:Antonija.nieto@psc.mo.gov>>)

RESPONSE

Prepared By: Craig J. Giesmann
Title: Director, Environmental Services
Date: 10/31/22

- a) See the direct testimony of Laura Moore filed in this docket.
- b) Utility Water Action Group (UWAG):

The Utility Water Act Group (UWAG) is a voluntary, *ad hoc*, non-profit, unincorporated group of about 160 individual electric power generation and/or transmission and distribution companies and three national industry trade associations – the Edison Electric Institute (EEI), the National Rural Electric Cooperative Association (NRECA), and the American Public Power Association (APPA). UWAG was formed in 1973 to obtain legal advice and representation on regulatory matters arising under the Clean Water Act (CWA) and other relevant statutes including, but not limited to, the Safe Drinking Water Act, the Endangered Species Act (ESA) and other species’ protection laws, and the National Environmental Policy Act. UWAG advocates on behalf of its

members on regulatory matters under or associated with the CWA and, when necessary, pursues litigation relating to those matters.

UWAG's overall purpose is to ensure that CWA programs are carried out in a manner that protects human health and the environment while assuring a reliable and affordable electric power generation, transmission, and distribution system. It does so by advocating on legal issues and related policy, scientific, and technical matters arising from U.S. water-related regulations, policies, and guidance affecting electricity generation, transmission, and distribution infrastructure. UWAG coordinates closely, and may coordinate advocacy efforts, with EEI, APPA, NRECA, the Electric Power Research Institute (EPRI), the Federal Water Quality Coalition (FWQC), the Cooling Water Intake Structure Coalition (CWISC), the Waters Advocacy Coalition (WAC) the Energy and Wildlife Action Coalition (EWAC) and other utility and industry groups in areas of common interest. In addition, UWAG counsel addresses compliance issues of interest to the group.

UWAG responds to and aids in the development of rulemakings, guidance, and policy by the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE) under the CWA. Advocacy related to the CWA before other federal agencies or state authorities also is considered at the request of members and in consultation with other industry-supported groups. UWAG litigates such rulemakings and policy when necessary and tracks and interprets legislative activities that potentially impact water policy and regulation. UWAG does not lobby Congress; however, with the concurrence of the membership, it may provide consultation in support of the policy and legislative efforts of association members (APPA, EEI, and NRECA).

Of specific value to Ameren Missouri and its customers are the cost effective resources that are available as a result of Ameren participation in this group. Ameren has access to both legal and technical resources with specific expertise in water quality and natural resources issues that would be much more expensive if Ameren acquired the resources independently. The resources made available by membership in this group are utilized as an extension of Ameren staff. This group engages in rulemakings and – if necessary – litigation on behalf of its members. By tracking all stages of key federal rulemakings and litigation, this group provides Ameren with timely information that Ameren staff can then use in planning and interpretation of regulations as well as in working with the state and local agencies and stakeholders to implement major EPA initiatives in a timely, environmentally responsible and cost effective manner. The group is also able to provide expert technical resources in the form of written reports which we rely on in for support in rulemaking activities as well as developing and implementing compliance strategies.

c) Utility Solid Waste Activities Group (USWAG):

USWAG is responsible for addressing waste, byproduct and chemical management and transportation issues on behalf of the utility industry. Formed in 1978, USWAG members

include over 130 utility operating companies, power producers, energy companies and industry associations, including the Edison Electric Institute (EEI), the National Rural Electric Cooperative Association (NRECA), the American Public Power Association (APPA), and the American Gas Association (AGA).

USWAG's core mission is to support the industry's efforts to comply with federal environmental regulations, protect the environment and serve its customers. As part of that effort, USWAG engages in regulatory advocacy, regulatory analysis and compliance assistance, and information exchange pertaining to RCRA, TSCA, and HMTA.

USWAG provides updates on federal and state actions related to waste management environmental issues as they develop. This information helps Ameren develop compliance strategies and take action to prepare for environmental regulations and issues that impact our industry in a proactive manner before requirements are mandatory. This enhances our ability to provide service efficiently and minimize cost impact to our customers. USWAG provides dedicated environmental and legal staff who are available to support members as well as coordinate the activities of committees on waste management related environmental topics such as coal combustion residuals (CCR), DOT Hazardous Materials Regulations, PCBs, spill response and reporting and low volume waste management. The USWAG committees provide information sharing across the industry particularly related to waste management environmental issues and challenges.

Attending the committee meetings allows Ameren Missouri co-workers to meet with others from the industry which helps us to:

- Discuss similar issues and work to develop common solutions.
- Learn from the experience of other utilities.
- Benefit from expert speakers who discuss the future of legislation/regulations.
- Share resources to gain insight on pending governmental policies and regulations more efficiently and at a lower cost than if those resources had to be duplicated.
- Collaborate on current environmental issues affecting the industry, such as: air quality regulations; water quality regulations; coal combustion residuals; climate and energy policy

Of specific value to Ameren Missouri and its customers are the cost effective resources that are available as a result of Ameren participation in this group. Ameren has access to both legal and technical resources with specific expertise in waste management that would be much more expensive if Ameren acquired the resources independently. The resources made available by membership in this group are utilized as an extension of Ameren staff. This group engages in rulemakings and – if necessary – litigation on behalf of its members. By tracking all stages of key federal rulemakings and litigation, this group provides Ameren with timely information that Ameren staff can then use in planning and interpretation of regulations as well as in working with the state and local agencies and stakeholders to implement major EPA initiatives in a timely, environmentally responsible and cost effective manner. The group is also able to provide

expert technical resources in the form of written reports which we rely on in for support in rulemaking activities as well as developing and implementing compliance strategies.

d) Midwest Ozone Group (MOG):

The Midwest Ozone Group (MOG) is an affiliation of companies, trade organizations, and associations which have drawn upon their collective resources to advance the objective of seeking solutions to the development of a legally and technically sound national ambient air quality program. It is the primary goal of MOG to work with policy makers in evaluating air quality policies by encouraging the use of sound science. As members of the business community, the MOG membership also has a keen interest in assuring that policy makers are appropriately assessing the data and information required to accurately evaluate its emission control strategies. MOG is specifically committed to providing information about ground-level ozone in order to encourage sound, science-based policies for the protection of the air we breathe.

Ameren Missouri and its ratepayers benefit from the utility's participation in this organization in a variety of ways. Of specific value to Ameren Missouri and its customers are the cost effective resources that are available as a result of Ameren participation in this group. Ameren has access to both regulatory legal and technical resources with specific expertise in the air quality that would be much more expensive if Ameren acquired the resources independently. The resources made available by membership in this group are utilized as an extension of Ameren staff. This group engages in rulemakings and other environmental regulatory and stakeholder activities on behalf of its members. By tracking all stages of key state and federal rulemakings, this group provides Ameren with timely information that Ameren staff can then use in planning and interpretation of regulations as well as in working with the state and local agencies and stakeholders to implement air quality related environmental initiatives in a timely, environmentally responsible and cost effective manner. The group is also able to provide expert technical resources in the form of presentations and written reports which we rely on in for support in rulemaking activities as well as developing and implementing compliance strategies. MOG focusses on providing stakeholders with objective and technically sound information.

MOG has drafted several technical reports and comments on environmental air quality issues and rulemakings on behalf of their members that are pertinent to Ameren Missouri.

f) Illinois Energy Regulatory Group (IERG):

Ameren Missouri and its ratepayers benefit from the utility's participation in the Illinois Environmental Regulatory Group (IERG) in a variety of ways. Of specific value to Ameren Missouri and its customers are the cost effective resources that are available because of Ameren Missouri participation in this group. Ameren Missouri has access to both regulatory legal and technical resources with specific expertise in environmental areas that include air quality, land, water, climate change and environmental justice.

These resources identified above would be much more expensive if Ameren acquired the resources independently. Ameren Missouri utilizes the resources made available by membership in this group are utilized as an extension of staff expertise. This group engages in rulemakings and other environmental regulatory and stakeholder activities on behalf of its members. By tracking all stages of key state and federal rulemakings, this group provides Ameren with timely information that Ameren staff can then use in planning and interpretation of regulations as well as in working with the state and local agencies and stakeholders to implement major environmental initiatives in a timely, environmentally responsible and cost effective manner. The group is also able to provide expert technical resources in the form of written reports that we rely on in for support in rulemaking activities as well as developing and implementing compliance strategies. Ameren Missouri has facilities in Illinois that require us to stay involved with Illinois' environmental activities.

2021 Accomplishments and Benefits Report



The Utility Water Act Group (UWAG) delivers exceptional value and benefits to its members. UWAG's work focuses on advancing environmental protection and clean energy; reducing the costs and burdens of regulatory compliance with Clean Water Act (CWA) and related environmental requirements; and advocating for UWAG member interests.

UWAG members work collaboratively with legal counsel to:

- (1) identify and develop strategies to address key regulatory issues and priorities for an evolving power industry;
- (2) take actions before agencies, and the courts when necessary, that enhance the efficiency of regulatory requirements;
- (3) share critical regulatory insights and advice on permitting, compliance, and conservation;
- (4) provide advice to members on company-specific projects and questions; and
- (5) provide timely alerts and updates on key developments that reflect legal and technical expertise.

This report summarizes UWAG's major accomplishments during 2021.

KEY ACCOMPLISHMENTS & ACTIVITIES

Advancing UWAG Member Interests in EPA's Proposed 2022 ELG Rulemaking

Advocating UWAG Member Interests in EPA Proceedings

To address UWAG's concerns with EPA's decision to revise the 2020 ELG Rule, and ensure that those concerns are documented in EPA's rulemaking record, UWAG submitted comments October 2021 in response to EPA's Preliminary Effluent Guidelines Program Plan 15. The comments urged EPA to consider ways to avoid a potential waste of investments in wastewater treatment systems required by the 2020 ELG Rule as EPA considers its approach to a new proposed rule. UWAG noted significant concerns with the availability and economic achievability of membrane technology in the steam electric context, including but not limited to the availability of proven, cost-effective methods for disposing the concentrated waste streams produced by membrane systems. The comments presented a united industry message to EPA.

Preparing for the Proposed 2022 ELG Rule

In late 2021, UWAG chairs and counsel intensified efforts to prepare for the new 2022 proposed revisions to the ELG rule by evaluating sources of technical information within the industry and analyzing new approaches EPA might take to environmental justice and cost/benefit analysis. The chairs and counsel also continued to monitor EPA outreach to individual companies and associations regarding the scope and content of the proposed ELG revisions being developed. These efforts will benefit the membership by enhancing the legal and technical contents of comments on the rule.

Advising UWAG Members on Implementation of 2020 ELG Reconsideration Rule

Advice on Compliance with NOPP Deadline

The 2020 ELG rule required UWAG members who planned to make use of the subcategories for cessation of coal burning, low utilization units, or the FGD voluntary incentives program, to submit a Notice of Planned Participation (NOPP) by October 2021. UWAG counsel responded to numerous member questions about NOPP requirements and advised members on how to address their unique circumstances. In addition, counsel provided members with answers to the most frequent questions in a NOPP Q&A document.

Facilitating Member Innovation and Collaboration

UWAG hosted a conference call that allowed members to share experiences and discuss with counsel plans for (i) incorporating the 2020 rule's limits and compliance dates into their NPDES permits, (ii) testing new treatment technologies, (iii) developing NOPPs, and (iv) responding to comments from environmental groups. The discussion helped inform UWAG members on approaches to compliance with the 2020 ELG rule.

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Defending UWAG Member Interests in 2020 ELG Reconsideration Rule

In November 2020, several eNGOs filed challenges to the 2020 ELG Reconsideration Rule, which were consolidated in the Fourth Circuit Court of Appeals. UWAG moved to intervene in the Fourth Circuit and requested transfer of the cases to the Fifth Circuit Court of Appeals, where UWAG's claims challenging the 2015 ELG rule are held in abeyance. The Fourth Circuit granted UWAG intervention, and briefing on the motion to transfer was completed in mid-January 2021. In July 2021, EPA filed a motion to hold the Fourth Circuit case in abeyance while EPA undertakes a 2022 rulemaking to revise the 2020 rule. eNGO parties filed a response in opposition to EPA's motion, in which the eNGOs asked the court, to limit the abeyance to no more than six months and to allow briefing on Endangered Species Act (ESA) issues to proceed. UWAG filed a reply refuting eNGOs' assertion that EPA should be able to complete the analytical work to propose a new rule within six months, and noting the eNGOs' failure to account for the problems created by the current rule deadlines remaining in place while EPA conducts further rulemaking. UWAG's ability to anticipate and respond promptly to ELG rule challenges in multiple courts is a key UWAG advantage and helps limit the risk that favorable regulatory changes are not reversed through court actions.

Commenting and Meeting with the Administration to Inform a New WOTUS Definition

The geographic scope of WOTUS has significant implications for numerous CWA programs, including permitting and mitigation, and thus impacts critical power line projects undertaken by UWAG members, including the expansion and modification of transmission infrastructure, as well as needed improvements in grid resiliency. As a result, a clear and easily implementable definition of "the waters of the U.S." (WOTUS), consistent with the CWA, Congressional intent, and Supreme Court case law, is a key issue for UWAG members.

In April 2020, EPA and the Corps promulgated the Navigable Waters Protection Rule (NWPR), which had favorable implications for UWAG members because, as compared to prior WOTUS regulations, the NWPR reduced the scope of waters subject to federal jurisdiction and codified a favorable interpretation of excluded "waste treatment system" (WTS) features, thus, fewer UWAG member features were likely to be deemed jurisdictional under the CWA and subject to permitting requirements. The Biden Administration, however, began work in mid-2021 to repeal the NWPR and promulgate a new WOTUS definition through

a two-step rulemaking process. In addition, in Fall 2021, two district courts vacated the NWPR, resulting in the Agencies' implementation of the pre-2015 WOTUS regime.

During 2021, UWAG members and counsel participated in several high-level meetings with EPA's Office of Water, the Corps, and USDA, as well as a pre-rulemaking meeting with OMB to discuss the Administration's review of the NWPR. UWAG developed talking points for its members to emphasize the implications a broader definition of WOTUS would have for the electric utility sector, including the industry's efforts to support the Administration's infrastructure and energy goals.

To inform its review, in Fall 2021, the Agencies also requested written comments on various aspects of the WOTUS definition and implementation concerns. UWAG filed comments with recommendations that focused on a clear, robust WTS exclusion that ensures industrial treatment features are not regulated as jurisdictional WOTUS, a tributary definition that does not extend to ephemeral washes, and clear exclusions for certain ditches.

In November 2021, the EPA and the Corps signed a proposed rule to revert to the pre-2015 definition of WOTUS (the 1986/88 regulations defining WOTUS), with updates that incorporate their consideration of Supreme Court decisions. UWAG commented on the proposal in early 2022, again focusing on the need for a clear, robust WTS exclusion.

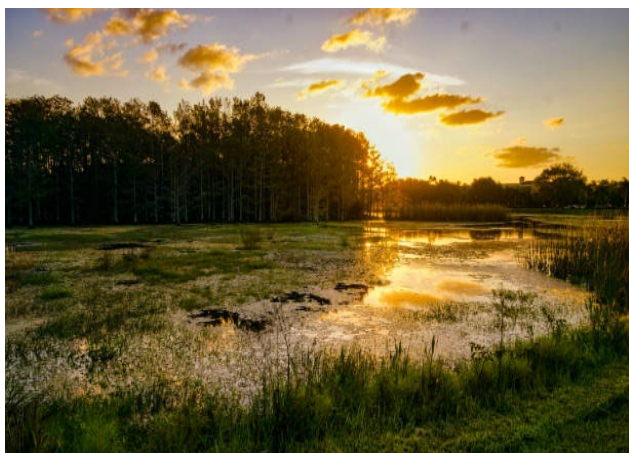
UWAG's comments on the proposed NWPR included recommendations that focused on a clear, robust waste treatment system exclusion that ensures industrial treatment features are not regulated as jurisdictional WOTUS, a tributary definition that does not extend to ephemeral washes, and clear exclusions for certain ditches.

Providing Leading Analysis on Section 404 Permitting Issues in the Wake of Vacatur of the NWPR and the § 401 Water Quality Certification Rule.

During 2021, as a result of the Biden Administration's intent to revise both the NWPR and the 2020 § 401 Water Quality Certification (WQC) Rule, the Department of Justice (DOJ) moved for remand of the rules to the EPA and Corps. The remand motions were opposed by environmental groups and States who argued that the rules should be vacated while the Agencies' reviews were underway. Federal district courts in California, Arizona, and New Mexico issued decisions granting the motions for remand and vacating the

NWPR and the 2020 § 401 WQC Rules, without reaching any decision on the merits of the rules. UWAG provided in-depth analysis of the district court decisions, their legal vulnerabilities, and appellate review.

UWAG coordinated with contacts at the EPA and Corps Headquarters, as the Agencies evaluated the orders and determined and communicated their approach through guidance and website updates. The Agencies took the position that the rules are vacated nationwide. As a result, the Agencies halted implementation of the NWPR and 2020 § 401 WQC rule and reverted to the prior WOTUS and § 401 WQC regulations. This created a challenge for many UWAG members who were awaiting necessary § 404 individual permits and NWP verifications to undertake critical utility line work. UWAG served as a critical resource for members, providing timely updates and responding to questions and concerns regarding which rules and definitions guide Corps jurisdictional determinations and permitting decisions, including impacts for the NWPs.



Commenting and Advocacy on CEQ’s Review of 2020 NEPA Regulations

CEQ’s NEPA regulations play a critical role in federal permitting and regulation of UWAG member activities, including Corps NWPs and individual Corps permits issued under CWA § 404 and RHA § 10. NEPA compliance is often a principal time-and-cost driver for UWAG members’ permits and one of the primary litigation targets for challenges to Corps permits. Many of the major NEPA-related court decisions that undergird the Corps’ original NEPA regulations or otherwise affect current NEPA practices by the Corps and other agencies involve challenges to electric transmission line water crossings.

The Administration expressed its intent to review and revise the Trump Administration’s 2020 NEPA regulations through two proposed rulemakings. A final rule modifying the 2020

regulations would likely have significant implications for UWAG member activities that require CWA permits and would guide revisions to other agency (such as the Corps) NEPA regulations. As a result, in advance of the first proposal, UWAG members and counsel met with OMB to discuss the implications CEQ’s NEPA regulations have for UWAG member hydropower relicensing projects and activities that require CWA § 404 or Rivers and Harbor Act (RHA) § 10 permits from the Corps. UWAG explained why an appropriately tailored NEPA analysis is critical to permit these activities in a timely fashion and support the utility sector’s transition to renewables, as well as the Administration’s infrastructure and renewable energy goals.

In October 2021, CEQ published the first proposal to revise the 2020 NEPA regulations, including the direct, indirect, and cumulative effects definition. 86 Fed. Reg. 55,757 (Oct. 7, 2021). UWAG submitted targeted comments on the proposed revisions, focusing on those NEPA issues that most directly affect Corps permits. UWAG’s comments emphasized that the scope of an agency’s analysis under NEPA should be tailored to the specific federal agency action under review and those effects that are actually caused by and subject to the regulatory control and jurisdiction of the action agency. To ensure that the regulations properly uphold the limits set by the Supreme Court, UWAG urged CEQ to respect and recognize appropriate causation principles.

Analyzing of Nationwide Permit (NWP) Rules and Advising on Implementation of Utility Line NWPs

UWAG has a long history of participation in the development and defense of NWPs because UWAG members frequently rely on these streamlined permits as an efficient and cost-effective method of receiving CWA § 404 and RHA authorization for member activities, particularly for utility line activities.

In 2020, the Corps proposed to reissue the 2017 NWPs and proposed to separate NWP 12 into three NWPs for different types of utility line activities, including a new separate NWP for electric utility line and telecommunications activities. UWAG filed detailed comments in response to the proposed reissuance of the NWPs, supporting the new NWP for electric utility line activities and emphasizing that an efficient and effective NWP program is critical for electric utilities’ ability to continue to develop diverse, clean, and secure energy sources, and to undertake transmission and distribution upgrades and expansions that are critical to effectively deploying those energy sources. In January 2021, the Corps issued a final NWP rule, effective in March 2021, issuing 16 NWPs, including NWP 57 for electric utility line and telecommunication line activities and NWP 58 for utility

activities for water and other substances. UWAG provided to members a detailed analysis of the 2021 NWP rule, focused particularly on NWPs 57 and 58. Separating out these types of utility line activities from the oil and gas NWP 12, consistent with UWAG’s recommendations, should provide diversity and stability to the NWP program and allow Corps districts to continue to authorize these categories of utility line activities in the event that one of the other NWPs is invalidated or stayed as a result of litigation. Thus, the 2021 NWPs are likely to reduce regulatory uncertainty for UWAG members.

In January 2021, the Corps issued a final NWP rule, issuing 16 NWPs, including NWP 57 for electric utility line and telecommunication line activities and NWP 58 for utility activities for water and other substances, as supported by UWAG in its 2020 comments.

Throughout 2021, UWAG advised members on permitting and compliance issues under the new NWP 57 and the other new NWPs. For example, UWAG counseled members on issues such as the timing for use of NWP 57, applicability of regional conditions, and water quality certification conditions. UWAG also monitored and provided updates to members on litigation in the U.S. District Court for the District of Montana challenging the 2021 NWP 12, which is ongoing.

At the end of 2021, the Corps issued a final rule reissuing the remaining 41 NWPs that were not subject to the March 2021 reissuance. UWAG again provided members with a timely and thorough analysis of the new NWP rule, highlighting relevant changes in the permits.

Obtaining Favorable § 316(b) Implementation, Including for Hydroelectric Facilities

The 2014 § 316(b) rule for existing cooling water intake structures is largely favorable, but its requirements are not always clear. For example, UWAG has long taken the position that CWA § 316(b) and EPA’s § 316(b) rules do not apply to hydroelectric facilities. But EPA’s 2014 rule was unclear on this score, opening the door for inappropriate guidance from EPA Headquarters to states and the proposal of two regional general permits asserting that the statute and the rule apply to hydroelectric facilities. In comments, briefing papers, and meetings with EPA, UWAG has led an inter-industry effort to push back on this issue.

In 2020, EPA Region 10 released draft NPDES permits for eight federal hydroelectric dams on the Lower Columbia and Snake Rivers. The draft permits and fact sheets included a proposed four-factor framework for evaluating whether hydroelectric facilities satisfy “best technology available”

under CWA § 316(b) on a case-by-case “best professional judgment” (BPJ) basis. Consistent with UWAG’s previous comments on other general permits and the position that UWAG has consistently advanced with EPA, the proposed § 316(b) framework acknowledges that EPA’s 2014 § 316(b) Rule does not apply to hydroelectric facilities. UWAG submitted comments on the draft permits and provided recommendations for clarifying and improving the proposed § 316(b) framework.

In January 2021, EPA released to the EPA regions a Memo adopting a BPJ framework for applying CWA § 316(b) framework to hydroelectric facilities. The framework adopted positions long taken by UWAG, including that the 2014 Rule does not apply to hydroelectric facilities, and included refinements to the BPJ framework recommended in UWAG’s comments on the Region 10 draft permits. The EPA Memo clarifies that EPA generally expects that a hydroelectric facility’s existing controls are sufficient to satisfy CWA § 316(b). The EPA Memo provides a favorable outcome for UWAG members and largely avoids duplicative requirements for hydroelectric facilities’ NPDES permits.

In October 2021, Region 10 issued final NPDES permits for four hydroelectric facilities on the Snake River that applied the four-factor BPJ framework and found that existing facility operations, with monitoring and reporting requirements, are the “best technology available” under § 316(b). These permits provide favorable precedent for application of the § 316(b) BPJ framework in NPDES permits for UWAG members’ hydroelectric facilities. Through strong legal, technical, and policy arguments, UWAG continues to advocate against duplicative and burdensome § 316(b) requirements in NPDES permits for hydroelectric facilities.



Leading § 316(b) Rule Implementation Counseling

UWAG counsel also provide advice to members on cutting-edge § 316(b) Rule implementation issues. Notably, UWAG counsel:

- advise members on the rule’s requirements;
- provide advice and analysis on key issues, including related endangered species items;
- host member-counsel conference calls on implementation issues;
- track and advise on emerging state implementation of the rule;
- address numerous member inquiries on a wide variety of implementation issues;
- collect information from the group to address member inquiries on implementation issues; and
- work with members to identify and provide arguments for addressing precedent-setting issues in the context of members’ individual NPDES permit negotiations.

Analyzing Key Decisions in “Functional Equivalent” Cases

Whether a pollutant that enters groundwater is a “discharge of a pollutant” subject to regulation under the CWA is a critical issue for UWAG members because it determines whether CWA liability arises for pollutants that migrate out of surface impoundments (including, but not limited to, ash ponds) to surface waters via groundwater.

In April 2020, the Supreme Court adopted a new “functional equivalent of a direct discharge” test for discriminating between point source discharges to navigable waters, for which either an NPDES or § 404 permit is required, and nonpoint source discharges, for which no such permit is required under the CWA. *Cnty of Maui, Hawaii, v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020) (Maui). The Court’s opinion establishes a non-exclusive list of seven factors for determining which discharges to groundwater are functional equivalents of direct discharges and thus within the scope of the CWA.

The Maui decision is having major repercussions on CWA liability cases that are pending in federal and state courts and potentially involve discharges of pollutants that have migrated through groundwater. Much of the specifics of CWA liability for discharges to groundwater remains to be worked out, either through individual cases or through regulatory action by EPA. UWAG counsel have monitored the most significant decisions that have the potential to influence this growing body of case law and/or future regulatory actions and provided timely updates to advise

members on risks associated with broad interpretations and application of *Maui*, and new theories that may be advanced by environmental groups or other opponents.

Improving EPA’s Construction General Permit (CGP) for Stormwater

UWAG advocates for improvements in EPA’s CGP, the general NPDES permit for construction activity stormwater. Although EPA’s CGP is applicable in only three states, the District of Columbia, and U.S. territories, many states with delegated permitting authority use the CGP as a model for their own state-wide general permits. Its provisions are therefore important for UWAG members.

In May 2021, EPA issued its proposed 2022 CGP. Focusing on providing insight to the CGP provisions pertaining to construction of projects relative to the utility industry (*e.g.*, linear and renewable energy projects), UWAG worked with the Federal Water Quality Coalition and Federal Stormwater Association to submit joint comments. The final 2022 CGP, issued in January 2022, addressed the areas of primary concern to UWAG.

Improving Selenium and Aluminum Water Quality Criteria Implementation Guidance

In response to UWAG’s (and other industry groups) comments, EPA overhauled its 2016 draft technical support documents for implementing the 2016 selenium aquatic life water quality criteria, which includes both fish tissue and water column elements. UWAG, along with others, expressed serious concerns with EPA’s 2016 draft TSD primarily because they gave precedent to the water column elements over the fish tissue elements, contrary to the criteria itself. In the revised draft Technical Support Document, EPA appropriately focused on implementing the fish tissue elements of the criteria while significantly expanding the guidance to be more helpful to states that adopt the 2016 criteria.

Like with the selenium guidance, EPA also overhauled its 2019 draft guidance for implementing the 2018 aluminum aquatic life water quality criteria, which uses a multiple linear regression (MLR) model based on three water chemistry parameters that effect aluminum bioavailability – hardness, pH, and dissolved organic carbon. The revised draft guidance is much more comprehensive and addresses many of the concerns raised by UWAG with the 2019 guidance. For example, EPA addressed UWAG’s concerns with using criteria developed based on ecoregional parameters by broadening the discussion to include state-wide or localized criteria as well.

These guidance documents are important to UWAG as they provide guidance to states on how to adopt and implement

criteria that are more complex than the traditional numerical criteria.

Providing Advice on Member-Specific CWA Issues.

UWAG responds to miscellaneous member inquiries about organization-specific CWA permitting and compliance issues, providing valuable advice from UWAG counsel on discrete member issues. UWAG continued its focus on responding to miscellaneous inquiries in 2021 and helped to obtain positive outcomes for members. In one 2021 instance, counsel advised a UWAG member on the scope and applicability of the “prior converted cropland” WOTUS exclusion, which helped the member obtain a negative jurisdictional determination. The member reported that UWAG had provided “fantastic information,” and said, “Thank you so much for your guidance on this!”

In another instance, counsel provided guidance on the effluent limitations applicable to non-chemical metal cleaning wastewater. The recipient responded, “Thanks for your support – it may not seem like much to you all, but your willingness to review my comments on issues I haven’t encountered before was very valuable to me!”

In addition to assisting those individual members, where such information can be shared, UWAG members receive information regarding how an individual member navigated a specific CWA issue.

Anticipating Implications of Administration Change for UWAG Projects

The swearing in of President Biden and a new Congress in January 2021 signaled significant potential changes on the horizon for UWAG members’ projects and planning. UWAG leaders and counsel provided to members a critical overview of the election’s implications for water regulations, permitting, and litigation; identified a list of potentially impacted UWAG projects; and provided options for UWAG to prepare to address those implications. UWAG’s analysis was periodically updated to reflect subsequent developments. For example, UWAG provided members with a detailed analysis of the potential use of the Congressional Review Act for CWA-related rulemakings. UWAG also provided analysis of implications of actions taken in the early days of the Biden Administration (*e.g.*, regulatory freeze of pending regulations and policies issued in the last months of the Trump Administration, climate-related executive orders). UWAG also responded to individual member inquiries related to likely impacts of potential regulation changes for ongoing and planned member projects and activities. UWAG members found high value in the overview’s ability to keep them up to date on implications and developments. Understanding and anticipating the

impacts of an Administration change enables UWAG to remain flexible and prepared to address changes on the regulatory landscape.

Rapid Action to Help Members with COVID-19 Crisis and Related Compliance Issues

In 2021, the United States continued an unprecedented shutdown in response to the novel coronavirus (COVID-19) pandemic. UWAG members faced a range of questions about compliance with CWA requirements in the face of government and private sector responses to the pandemic. UWAG provided advice on strategic and legal considerations for UWAG members on a number of COVID-19 related CWA issues, including general CWA compliance considerations during an emergency, EPA enforcement guidance, and NPDES reporting requirements, including instructions on how to submit DMR forms where data are missing as a result of COVID-19. UWAG also addressed individual member inquiries on considerations for both new and existing projects and permits, including potential delays in agency actions and approvals, as well as interruptions in required monitoring and sampling.

UWAG is structured to provide exceptional value through shared member expertise coupled with adept legal advice.

MEMBER BENEFITS

- **UWAG’s work is member-driven.** All UWAG members, large and small, participate in developing UWAG strategies and priorities, thereby positively shaping the regulatory programs under which UWAG members operate.
- **UWAG’s work is tailored to the interests and needs of its members.** Within a changing power industry, UWAG is positioned to adapt and change to meet the needs of its members. UWAG members decide—and continuously reassess—which priorities to pursue, how to pursue those priorities, and how to fund or allocate resources to accomplish objectives, thus maximizing value while minimizing costs through industry coordination.
- **UWAG gives the power industry a strong, unified, and credible voice.** Matters arising under the CWA, including related issues under the ESA, NEPA, Safe Drinking Water Act, and other environmental laws, are often complex. UWAG’s combined voice carries the weight of decades of experience with cutting-

edge sophistication and close involvement on every major issue.

- **UWAG provides its members with important tools for their internal strategic planning.** UWAG tracks and advises its members on key regulatory developments related to CWA permitting and planning, including changes in Administration and associated regulatory initiatives. UWAG provides its members with analyses of horizon and emerging issues and likely outcomes to assist UWAG members in internal strategic planning and decisionmaking. UWAG provides a wealth of advice and information on its member website, and advises on a wide range of CWA-related issues.
- **UWAG provides its members with specific advice on key CWA issues.** UWAG responds to miscellaneous member inquiries about organization-specific CWA permitting and compliance issues. Where such information can be shared, UWAG members receive information regarding how an individual member navigated a specific CWA issue.
- **UWAG is known and respected by the key federal agencies.** These include the EPA, the Corps, FWS, NMFS, Department of Justice (DOJ), CEQ, and Office of Management and Budget. These agencies rely on UWAG for sophisticated analyses that help inform and support regulatory decisions. UWAG provides its members with advice and opportunities for coordination with the agencies on key issues.
- **UWAG succeeds in litigation that advances members' interests.** UWAG is known and respected at all levels of the federal courts. UWAG is selective in its involvement in litigation and strategically identifies opportunities to advance members' positions and provide power industry perspective on high-priority regulatory issues. UWAG enables confidential and privileged industry communication and coordination.
- **UWAG covers a wide range of cross-cutting issues in one organization.** From CWA § 402 "wet water" to § 404, NEPA, ESA, and other natural resource and wildlife laws that affect CWA rules and permits, the group maintains a cutting-edge position on evolving issues related to water permitting and planning.
- **UWAG's technical, legal, and policy expertise is highly regarded by other industry groups.** Other trade and industry organizations that work in the same space, and their members, hold UWAG in high esteem. UWAG often collaborates with other industry groups on cross-cutting issues to build key coalitions.
- **UWAG membership is cost-effective.** UWAG allows members to collaboratively develop and advocate common positions as a group while sharing the costs of associated legal services.

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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Tariffs to Adjust) Case No. ER-2022-0337
Its Revenues for Electric Service.)

AFFIDAVIT OF CHARLES STEIB

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

Charles Steib, being first duly sworn states:

My name is Charles Steib, and on my oath declare that I am of sound mind and lawful age; that I have prepared the foregoing *Rebuttal Testimony*; and further, under the penalty of perjury, that the same is true and correct to the best of my knowledge and belief.

/s/ Charles Steib
Charles Steib

Sworn to me this 15th day of February, 2023.