

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Ameren Missouri's)
2012 Renewable Energy Compliance Report)

File No. EO-2013-0462

ORDER GRANTING REQUEST FOR WAIVER

Issue Date: May 3, 2013

Effective Date: May 3, 2013

On April 15, 2013, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") filed with the Missouri Public Service Commission ("Commission") its Annual Renewable Energy Standard Compliance Report pursuant to Commission Rule 4 CSR 240-20.100. On the same date, Ameren Missouri also filed a Request for Waiver of Commission Rule 4 CSR 240-20.100(7)(A)1.I, which is a provision of the Commission's Renewable Energy Standard ("RES") rules that requires the annual RES compliance report to contain certain information about energy or renewable energy credits ("REC") from a renewable energy resource not owned by the utility. Ameren Missouri's Request for Waiver applies to two types of REC purchases – RECs purchased from Ameren Missouri's customers and RECs purchased from aggregators which are lawfully registered in another renewable energy registry.

On April 16, 2013, the Commission issued an *Order Directing Notice and Setting Filing Deadlines*, which required any person or entity to file comments regarding Ameren Missouri's Request for Waiver no later than April 25, 2013. The Staff of the Commission filed a recommendation regarding the Request for Waiver, but no other person or entity filed a response by the filing deadline.

The portion of the RES rules that Ameren Missouri requests be waived, Commission Rule 4 CSR 240-20.100(7)(A)1.I, requires that an annual RES compliance report contain the following:

For acquisition of electrical energy and/or RECs from a renewable energy resource that is not owned by the electric utility, the following information for each resource that has a rated capacity of ten (10) kW or greater:

- (I) Name, address, and owner of the facility;
- (II) An affidavit from the owner of the facility certifying that the energy was derived from an eligible renewable energy technology and that the renewable attributes of the energy have not been used to meet the requirements of any other local or state mandate;
- (III) The renewable energy technology utilized at the facility;
- (IV) The dates and amounts of all payments from the electric utility to the owner of the facility; and
- (V) All meter readings used for calculation of the payments referenced in part (IV) of this paragraph;

Commission Rule 4 CSR 240-20.100(10) provides, in part, that “[u]pon written application, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of this rule for good cause shown”. Good cause means a good faith request for reasonable relief.¹

Staff recommends that the Commission find good cause for granting Ameren Missouri’s Request for Waiver. In its recommendation, Staff states that the purpose of the reporting requirement in the rule is to demonstrate the validity of RECs obtained from sources not owned by the utility, since utilities do not necessarily monitor or control such energy resources. For customer-owned renewable energy facilities, the rule’s reporting requirements are not necessary because Ameren Missouri already possesses that information from the customers’ Standard Offer Contracts for the purchase of solar RECs, to which Staff has access.

¹ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

Staff also states that a waiver is appropriate for RECs purchased from aggregators lawfully registered in another renewable energy registry. Currently, RECs purchased by Ameren Missouri from third party aggregators are either registered by the North American Renewables Registry (“NAR”) or the Western Renewable Energy Generation Information System (“WREGIS”). Staff requested and reviewed the updated operating procedures of NAR. Ameren Missouri previously provided the operating procedures of WREGIS in EO-2012-0150, which procedures Staff has also reviewed. Since the information required for the registration of RECs in both NAR and WREGIS is similar to the information required by the Commission rule, Staff considers the intent of the Commission rule to be satisfied in this instance.

Based upon its independent and impartial review of Ameren Missouri’s Request for Waiver and Staff’s verified recommendation, the Commission finds that Ameren Missouri has demonstrated good cause for a limited waiver of Commission Rule 4 CSR 240-20.100(7)(A)1.I. The Commission will grant the request.

THE COMMISSION ORDERS THAT:

1. Union Electric Company d/b/a Ameren Missouri’s Request for Waiver from the requirements of Commission Rule 4 CSR 240-20.100(7)(A)1I for the RECs purchased from Ameren Missouri’s customer-owned facilities and RECs purchased from aggregators lawfully registered in another renewable energy registry is granted.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized "M" and "W".

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of May, 2013.