

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

In the Matter of a Determination of	)	
Special Contemporary Resource Planning	)	
Issues to be Addressed by Union Electric	)	Case No. EO-2015-0039
d/b/a Ameren Missouri in its Next	)	
Triennial Compliance Filing or Next	)	
Annual Update Report.	)	

**PUBLIC COUNSEL’S REPLY TO  
AMEREN MISSOURI’S REQUEST FOR WAIVER**

**COMES NOW** the Missouri Office of the Public Counsel (OPC) and for its Reply to Ameren Missouri’s Request for Waiver states:

1. On September 3, 2014, Union Electric Company d/b/a Ameren Missouri filed a Request for Waiver, wherein Ameren asks the Commission to waive the requirement of 4 CSR 240-22.080(3) requiring Ameren to file an annual update report at least twenty days prior to the annual update workshop to be held in April 2015.

2. Ameren’s rationale for the waiver is that when it files its comprehensive triennial Integrated Resource Plan (IRP) on October 1, 2014, it will be six months away from having to file its annual update report on April 1, 2015, and Ameren does not want to prepare an annual update six months from the triennial filing.

3. Public Counsel asks the Commission to deny the waiver because it is premature to make a waiver decision at this time. Interested parties will file their special issues for consideration on September 15, 2014, which will be followed by Ameren’s triennial IRP on October 1, 2014. Until Public Counsel has, at a minimum, an

opportunity to review the special issues filings and Ameren's IRP, Public Counsel will not know whether Ameren should file an annual update before the April 2015 workshop.

4. It should also be noted that a waiver may not be necessary at all given the language of 4 CSR 240-22.080(3)(B), which requires Ameren to file an annual update twenty (20) days before the annual update workshop. The rule states, "The depth and detail of the annual update report shall generally be commensurate with the magnitude and significance of the changing conditions since the last filed triennial compliance filing or annual update filing." To the extent there have been few changing conditions, the depth and detail needed for the annual report could be much less than the depth and detail needed for the triennial filing. Furthermore, 4 CSR 240-22.080(3)(B) states, "If the current resource acquisition strategy has not changed, the annual update report shall explicitly verify that the current resource acquisition strategy is the same as that contained in the most-recently filed triennial compliance filing or annual update filing." The rule contemplates the concerns raised by Ameren in its request for a waiver, and suggests that the annual update report can refer to the triennial compliance filing where the strategy has not changed.

5. Given the premature nature of the request for waiver, and the existing protections provided by the Commission's rules, Public Counsel asks that the Commission deny the waiver.

WHEREFORE, the Office of the Public Counsel respectfully offers this response to Ameren's Request for a Waiver.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Chief Deputy Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5558

(573) 751-5562 FAX

[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 15<sup>th</sup> day of September 2014.

**/s/ Marc Poston**