

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

In re: Union Electric Company's Change to its 2011)
Utility Resource Filing pursuant to 4 CSR 240 –)
Chapter 22.) **Case No. EO-2015-0053**

STAFF'S RECOMMENDATION TO GRANT REQUESTED VARIANCE

COMES NOW the Staff of the Public Service Commission of the State of Missouri ("Staff") and in response to the Commission's August 26, 2014, *Order and Notice* where it directed Staff to "file a Recommendation no later than September 11, 2014," on Ameren Missouri's request to be allowed to not comply with the Commission Rule 4 CSR 240-2.080(12) requirement to provide a detailed description of its new preferred resource plan that was triggered by Ameren Missouri's recent decision to retire its Meramec Energy Center by no later than 2022 states:

1. In paragraph five of its pleading Ameren Missouri states, "Ameren Missouri respectfully requests the Missouri Public Service Commission . . . grant it a variance making it unnecessary to provide the details and analysis required in 4 SCR 240-22.080(12) (*sic*)."

2. Nowhere in its pleading does Ameren Missouri cite to the Commission's authority to grant the requested variance. However, subparts (13) and (15) of Commission Rule 4 CSR 240-22.080 provide:

(13) Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of 4 CSR 240-22.030–4 CSR 240-22.080 for good cause shown. The commission may grant an application for waiver or variance filed less than twelve (12) months prior to the triennial compliance filing upon a showing of good cause for the delay in filing the application for waiver or variance.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

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(15) The commission may extend or reduce any of the time periods specified in this rule for good cause shown.

3. Although the dates in subpart (13) of Commission Rule 4 CSR 240-22.080 better match triennial electric utility resource planning filings, the breadth of the language, coupled with the language in Commission Rule 4 CSR 240-22.080(15), allow the Commission to grant the relief Ameren Missouri seeks, if there is good cause for it.

4. As Ameren Missouri indicates, Ameren Missouri has until October 1, 2014, to file its next triennial compliance filing. By Commission Rule 4 CSR 240-22.080(1)(C) it was due April 1, 2014, but on December 19, 2012, the Commission issued an *Order Granting Variance* in File No. EE-2013-0312 by which it granted Ameren Missouri until October 1, 2014, to make that filing.

5. In that next triennial compliance filing Ameren Missouri will reveal its current planning assumptions, integrated resource analysis, risk analysis and decision-making process for the selection of its new preferred resource plan—including its plan to retire the Meramec Energy Center by not later than 2022. Since retirement of the Meramec Energy Center by not later than 2022 is not in any of Ameren Missouri's contingency resource plans from its last triennial resource planning and updates (Case Nos. EO-2011-0271, EO-2012-0357 and EO-2013-424), compliance with Commission Rule 4 CSR 240-22.080(12) requires that Ameren Missouri perform an

integrated resource analysis and risk analysis using the planning assumptions it used in those filings to determine: 1) “all changes to the preferred resource plan and acquisition strategy, the impact of each change on the present value of revenue requirement, and all other performance measures specified in the last filing pursuant to 4 CSR 240-22.080 and the rationale for each change,” and 2) “the ranges and combinations of outcomes for the critical uncertain factors that define the limits within which the new alternative resource plan remains appropriate.” Since the information Ameren Missouri will provide in its next triennial compliance filing will result from new planning assumptions, integrated resource analysis, risk analysis and decision-making process it used to select its new adopted preferred resource plan, Staff believes there is little benefit to requiring Ameren Missouri to expend resources complying with Commission Rule 4 CSR 240-22.080(12) when those resources would be better employed for complying with Commission Rule 4 CSR 240-22.080(2) (triennial compliance filing); therefore, Staff believes there is good cause to grant Ameren Missouri the variance it requests.

WHEREFORE, Staff recommends that the Commission grant Ameren Missouri a variance from the following requirements of Commission Rule 4 CSR 240-22.080(12):

The notification shall include a description of all changes to the preferred plan and acquisition strategy, the impact of each change on the present value of revenue requirement, and all other performance measures specified in the last filing pursuant to 4 CSR 240-22.080 and the rationale for each change.

* * * *

. . . a detailed description of the revised resource plan or acquisition strategy and why none of the contingency resource plans identified in 4 CSR 240-22.070(4) were chosen. In this filing, the utility shall specify the ranges or combinations of outcomes for the critical uncertain factors that define the limits within which the new alternative resource plan remains appropriate.

Respectfully submitted,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 29th day of August 2014.

/s/ Nathan Williams