

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

In the Matter of a Determination of Special)	
Contemporary Resource Planning Issues to be)	<u>File No. EO-2015-0039</u>
Addressed by Ameren Missouri in its Next)	
Triennial Compliance Filing or Next Annual)	
Update Report)	

**STAFF’S REPLY TO AMEREN MISSOURI’S RESPONSE
TO STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (“Commission”), by and through counsel, and, for its reply to *Ameren Missouri’s Response to Staff Recommendation*, states as follows:

1. On September 3, 2014, Ameren Missouri filed its *Request For Waiver* seeking a variance from Commission Rule 4 CSR 240-22.080(3) that would relieve the Company of its 2015 requirements to produce an annual update report and to conduct an annual update workshop required by 4 CSR 240-22.080(3)(B) and to prepare and file a summary report required by 4 CSR 240-22.080(3)(C). In response the Staff filed *Staff’s Recommendation to Grant Ameren Missouri a Variance From 4 CSR 240-22.080(3) Subject to Certain Requirements* (“*Staff’s Recommendation*”) in which Staff recommended granting the variance conditioned with certain requirements – in effect a conditional variance to the rule.

2. On September 24th, Ameren Missouri filed *Ameren Missouri’s Response to Staff Recommendation* (“*Response*”) setting forth a thin argument rejecting Staff’s conditional variance. In support of its request that the Commission deny *Staff’s Recommendation* for a conditional variance, Ameren Missouri argues that 1) any requirement to provide an update of any portion of the filing does not offer value to the

Commission or stakeholders, 2) *Staff's Recommendation* provides no real justification for providing even an abbreviated "annual" update, and 3) there is no need to in effect require a semi-annual update about a filing that will at that time only have been made six months earlier. The Staff disagrees.

3. Staff contends Ameren Missouri's *Response* is overwrought with misunderstandings of what Staff is asking the Commission direct the Company to do in place of holding the annual update workshop and the filing of an associated annual report and a summary report as a result of its annual update workshop. To be clear, the Staff is not requesting the Company hold a workshop or file an annual report complete with the detailed analyses required under Chapter 22. Instead, the Staff has recommended the Commission order Ameren Missouri to provide by April 1, 2015 a summary of progress made on the issues listed in paragraph 10 of *Staff's Recommendation*.

4. In paragraph 10 of *Staff's Recommendation*, the Staff has identified a short list of status report items that Staff believes will have value to the Commission and to Ameren Missouri's stakeholders for the reasons discussed in *Staff's Recommendation* and further discussed below. Also, producing a status report on those items is not burdensome to the Company, does not require detailed analyses, and does not require the passage of one full year following the October 1, 2014 filing date of the triennial compliance filing for such a status report to have value to the Commission and stakeholders.

5. Staff's first recommended status report item is for Ameren Missouri to summarize the status of the critical uncertain factors which are required by 4 CSR 240-

22.060 and were first presented to stakeholders by the Company on February 3, 2014 during the stakeholder meeting required by 4 CSR 240-22.080(5)(A).¹ This status report item has value because Ameren Missouri's analysis of critical uncertain factors was first performed at least eight (8) months prior to the Company's October 1, 2014 triennial compliance filing and at least 14 months prior to an April 1, 2015 status report.²

6. The second and third status report items ask Ameren Missouri to summarize its progress implementing the resource acquisition strategy and to summarize changing conditions generally which may impact the resource acquisition strategy. Even though the Company and stakeholders will likely be working on a joint filing for the Company's 2014 triennial compliance filing on April 1, 2015, it is not burdensome for Ameren Missouri to summarize its progress in implementing its resource acquisition strategy and to report on any changing conditions which may impact that strategy. The progress report is helpful 6 months after the adoption of the resource acquisition strategy because the Company would otherwise be required to provide such a report at 12 months as part of the normal annual update report.

¹ 4 CSR 240-22.080(5) Each electric utility shall convene a stakeholder group to provide the opportunity for public input into electric utility resource planning in a timely manner that may affect the outcome of the utility resource planning efforts. The utility may choose to not incorporate some, or all, of the stakeholder group input in its analysis and decision-making for the triennial compliance filing.

(A) The utility shall convene at least one (1) meeting of the stakeholder group prior to the triennial compliance plan filing to present a draft of the triennial compliance filing corresponding to 4 CSR 240-22.030–4 CSR 240-22.050 and to present an overview of its proposed alternative resource plans and intended procedures and analyses to meet the requirements of 4 CSR 240-22.060 and 4 CSR 240-22.070. The stakeholders shall make a good faith effort to provide comments on the information provided by the utility, to identify additional alternative resource plans, and to identify where the utility's analyses and intended approaches may not meet the objectives of the rules.

² Presently, Staff does not know if the range of values and probability assigned to each value of the critical uncertain factors presented in February 2014 will have changed in the October 1, 2014 triennial compliance filing. Staff can only assume that they have not, and, therefore, the critical uncertain factors (range of values and probabilities for each value) will be 14 months old on April 1, 2015, and an status report on this item is appropriate and of value.

7. Staff's fourth and fifth status report items ask Ameren Missouri to summarize the current, near term (next three years) and long term activities, plans and costs to protect its electrical system infrastructure from cyber, physical and electromagnetic pulse ("EMP") threats and indicate any potential impact on the Company's preferred resource plan, and to summarize the range of potential levels of distributed generation in the Company's service territory for the 20-year planning horizon and the potential impacts of each identified level of distributed generation, and in particular distributed solar generation, on the Company's preferred resource plan. Both status items were also suggested by Staff as special contemporary issues for Kansas City Power and Light Company, KCP&L Greater Missouri Operations Company and Empire District Electric Company in File Nos. EO-2015-0040, EO-2015-0041 and EO-2015-0042, respectively. Should the Commission order these companies to report on those two special contemporary issues in their 2015 triennial compliance or annual update filings, Staff believes it reasonable for the Commission to order Ameren Missouri to provide a status report on these issue to keep the Commission and stakeholders informed of these important issues by April 1, 2015, instead of having to wait a full year to April 1, 2016.

8. In its *Response*, Ameren Missouri expressed concerns about discussing publicly its plans to protect against cyber and physical threats. In response, the Staff contends that the restrictions cited by Ameren Missouri on providing this information to the Commission only apply to the disclosure of detailed plans and specific details on actions being taken or implemented by the Company to defend against cyber and physical threats. Again, the Staff is not asking for detailed plans and actions. Staff is

asking for a high level overview and summary description of the Company's plans and implementation schedule for compliance with industry and federal standards that are in the public domain and are applicable to these areas.

WHEREFORE, for the reasons discussed above, the Staff prays the Commission accept its Reply and reject *Ameren Missouri's Response To Staff Recommendation*.

Respectfully Submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

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

/s/ Robert S. Berlin