BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Renewable Energy Standard Compliance Report 2016 and Renewable Energy Standard Compliance Plan 2017-2019.	)))	File No. EO-2017-0268

RESPONSE TO REPORTS AND COMMENTS

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company") and in response to the Missouri Public Service Commission ("Commission") Staff's ("Staff") Reports and other comments filed in this docket, respectfully states as follows:

1. On April 13, 2017, Ameren Missouri submitted its Renewable Energy Standard ("RES") Compliance Plan for calendar years 2017 through 2019 ("RES Plan"). At the same time, Ameren Missouri submitted its RES Compliance Report for 2016 ("RES Report").

2. The Staff filed Reports on both the RES Plan and RES Report, and Renew Missouri Advocates ("Renew Missouri") filed comments. Significantly, just as has been the case for multiple years in a row, Staff found no deficiencies in Ameren Missouri's RES Report or in its RES Plan. Renew Missouri, while filing comments regarding changes it desires to the Commission's rules and Ameren Missouri's compliance methods, does not allege any non-compliance by Ameren Missouri. The Company's annual RES Report and RES Plan filing docket is not the appropriate forum for Renew Missouri's concerns.

3. On May 31, 2017, the Commission issued an order requiring responses to the Staff's Reports and Renew Missouri's comments to be filed by June 15, 2017. The Staff's Reports state that Ameren Missouri is in compliance with the Missouri RES. As such, the only response to the Staff's Reports that is necessary is to Staff's recommendation that Ameren

Missouri file an updated Retail Rate Impact ("RRI") calculation with its next Integrated Resource Plan ("IRP").

I. Staff Recommendation

4. Staff recommended that Ameren Missouri file an updated RRI calculation with its next Integrated Resource Plan filing, due no later than October 1, 2017. Ameren Missouri will have an updated RRI calculation in that filing and has no objection to this recommendation.

II. Renew Missouri Comments

A. Ameren Missouri's Future Plans for RES Compliance

5. Renew Missouri initially asserts that Ameren Missouri does not have a sustainable plan for complying with the RES in the future, pointing to the fact that the Company's 2017-2019 RES Plan does not contain plans to construct additional renewable resources.

6. It is correct that Ameren Missouri's RES Plan does not show construction of new RES-required renewable resources between now and the end of 2019, because Ameren Missouri is constrained by the statutory 1% limitation as determined by the RRI calculation (no party took issue with Ameren Missouri's RRI calculation).

7. The Commission's RES rules require a three-year plan for compliance with the RES, which is what Ameren Missouri submitted. Ameren Missouri still intends to construct a solar facility in Montgomery County, but not within the three-year timeframe of the RES Plan at issue in this docket. Ameren Missouri is also evaluating the addition of more wind power to its portfolio, but that will not occur within the three-year timeframe either. For this reason, neither of these new renewable resources appears in the RES Plan filed in this docket, nor do the RES rules require the submission of a RES compliance plan extending beyond three years.

8. Rather than expressing any valid criticism of the Company's RES Report or RES Plan, Renew Missouri's allegation is a back-door attempt to resurrect its previous argument that utilities should not be able to comply by purchasing and retiring RECs unassociated with energy generated in Missouri, but rather, should have to construct renewable generation. This argument ignores the language of the law, which allows for Ameren Missouri to comply by retiring RECs, even if those RECs are not associated with renewable power generation by Ameren Missouri. This issue has been previously litigated and lost by Renew Missouri. Indeed, Renew Missouri's own comments concede that Ameren Missouri's three-year compliance plan – which relies on RECs – is lawful, when it says ". . . the Company presents a legally permissible method by which it will meet its obligation over the next 3 years . . ."[1]

B. Keokuk as Qualifying Hydropower

9. As it has repeatedly and unsuccessfully argued numerous times in the past, Renew Missouri argues that the Keokuk Energy Center does not qualify as a renewable resource under the RES because the aggregate size of the entire facility is larger than the 10 megawatt generating unit nameplate capacity criteria in the RES. This argument ignores the language of the statute as well as the Commission's and the Division of Energy's ("DE") RES rules that implement the statutory RES language.

10. Section 393.1025(5), RSMo provides as follows:

> As used in sections 393.1020 to 393.1030, the following terms mean:
>
> (5) "***Renewable energy resources", electric energy produced from*** wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, from agricultural operations, or from wastewater treatment, thermal depolymerization or pyrolysis for

[1] Renew Missouri Comments, p. 2.

> converting waste material to energy, clean and untreated wood such as pallets, ***hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less***, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department. (Emphasis added).

11. 4 CSR 240-20.100, from the Commission's RES rules, defines qualifying hydropower as:

> (1)(N) Renewable energy resource(s) means electric energy, produced from the following:
> …9. ***Hydropower*** (not including pumped storage) that does not require a new diversion or impoundment of water and that **has *generator nameplate ratings of ten (10) megawatts or less***; (Emphasis added).

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12. DE's RES rules define qualifying hydropower in 10 CSR 140-8.010(2)(A)(8). The pertinent portion states as follows:

> "[**h**]***ydropower***, not including pumped storage, that does not require a new diversion or impoundment of water and that ***each generator has a nameplate rating of ten megawatts (10 MW) or less****."* (Emphasis added).

13. The Commission's RES rules, consistent with the statute, are abundantly clear that it is the *individual generator* that must have a capacity of less than 10 megawatts. The definition adopted by DE also clearly states that it is the *individual generator* (i.e., "each generator") that must have a capacity of less than 10 megawatts. These rules are consistent with the statutory language which specifically references "a nameplate." Hydropower facilities do not have a nameplate; only generators do.

14. With that background, let us look again at Renew Missouri's arguments. Renew Missouri points to the fact that Keokuk has a total aggregate output (based on the nameplate ratings of each generator installed in the dam) of more than 10 megawatts. That statement is true; Keokuk's aggregate output, or the nameplate of *all* generators in the plant *added together*,

exceeds 10 megawatts. This argument neglects the fact that neither the statute nor any of the rules implementing the statute reference aggregate nameplate capacity. Instead, the statutory definition focuses on energy "produced from hydropower" with "a nameplate" of 10 megawatts or less. The rules, correctly, implement the statute by focusing on the size of individual generators.

15. One may ask, what exactly is a nameplate? It is a metal plate, attached to a generator, indicating the generating unit's capacity measured in megawatts. The statute and rules refer to the "nameplate rating" of each generator in a power plant because only generators have nameplate ratings. This is borne out by standard industry usage of the phrase "nameplate rating." For example, the Edison Electric Institute's ("EEI") Glossary of Electric Industry Terms defines "nameplate rating" as:

> The full-load continuous rating of a generator prime mover or other electrical equipment under specified conditions as designated by the manufacturers. It is usually indicated on a nameplate attached mechanically to the individual machine or device.[2]

Similarly, the U.S. Energy Information Administration defines a "nameplate" as:

> "A metal tag attached to a machine or appliance that contains information such as brand name, serial number, voltage, power ratings under specified conditions, and other manufacturer supplied data."[3]

The EIA defines "nameplate rating" as Generator Nameplate Capacity (installed). It then defines Generator Nameplate Capacity as:

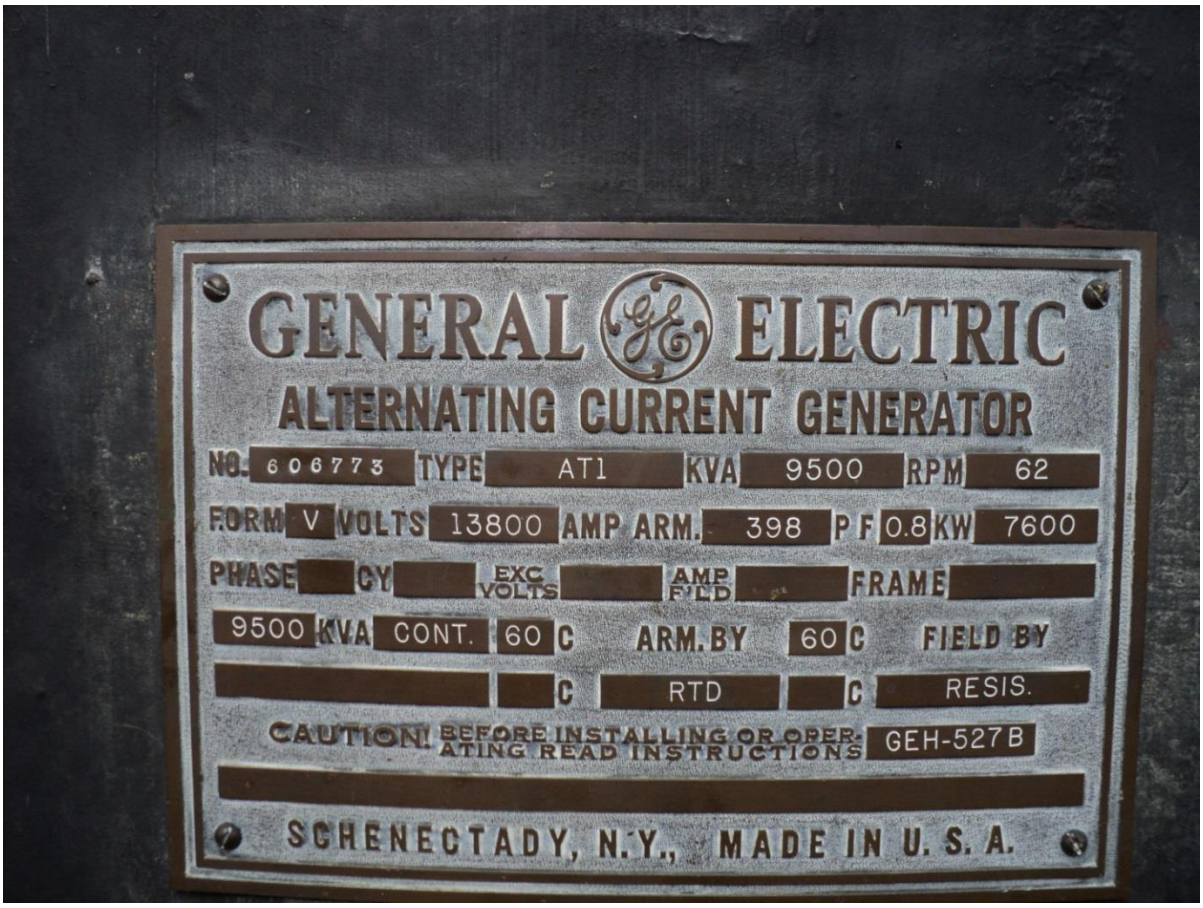
> The maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer. Installed generator nameplate capacity is commonly

[2] Edison Electric Institute, Glossary of Electric Industry Terms, April 2005, p. 99.

[3] https://www.eia.gov/tools/glossary/index.php?id=N

expressed in megawatts (MW) and is usually indicated on a nameplate physically attached to the generator.[4]

This is picture of an actual nameplate from a generator at Keokuk.



The Keokuk Energy Center contains 15 separate generators, each of which has a different nameplate attached. Each generator at Keokuk has a nameplate rating of less than 10 megawatts.

16. Renew Missouri points to a portion of a form, called the FERC Form 1, filed by Ameren Missouri with the Federal Energy Regulatory Commission ("FERC"), in which the sum of the capacities for all of the generator nameplates is reported in total rather than by individual

[4] *Id.*

generator. For ease of reference, the chart from the FERC Form 1[5] that Renew Missouri cited in its comments is reproduced below.

HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants) Large plants are hydro plants of 10,000 Kw or more of installed capacity (name plate ratings)	
Column C Plant Name: Total installed cap (Gen name plate Rating in MW)	Keokuk 127.20

Rather than supporting Renew Missouri's argument, this portion of the FERC Form 1 bolsters Ameren Missouri's point regarding "nameplate rating" made above. First, the FERC Form 1 is clearly referencing the entire plant rather than the individual generators, thus the title "Hydroelectric Generating *Plant* Statistics" (emphasis added). Importantly, it does not say "nameplate" or "a nameplate," it says "name plate ratings." It is plural and indicates the individual nameplate ratings are to be added together. On the bottom line of the chart, the FERC Form 1 clearly indicates that it is requesting the "total installed cap [capacity]." Again, the word "total" means the form is requesting the *aggregate* of all nameplates. This is exactly what Ameren Missouri reported – the *aggregate* of the individual nameplate ratings of the associated generators. Instead of "nameplate rating," 393.1025(5), RSMo could have stated "total nameplate" or "aggregate nameplate" or "nameplates," but it does not. The statute clearly says "a nameplate rating."

17. Renew Missouri's objection is to the language of the RES statute and to the implementing of regulations, not to Ameren Missouri's compliance with the law. Renew Missouri may not like the language of the statute or of these rules and it may wish they contained different language, but the existing language is clear and unambiguous when it says, "a

[5] FERC Form 1, Electric Utility Annual Report for the year 2012, filed by Union Electric Company.

nameplate rating." Continued objection in Ameren Missouri's RES Report and RES Plan docket is not the appropriate forum in which to address its displeasure with the controlling law.

18. In fact, the Commission has already told Renew Missouri that the current regulations interpret this issue consistent with the interpretation described above:

> …the Commission's regulation implementing the statute clearly sides with Ameren Missouri's interpretation of the statute by defining renewable energy resources as including "Hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has *generator nameplate ratings* of ten (10) megawatts or less;" (emphasis added). Similarly, the Division of Energy's regulation defines an eligible renewable energy resource as including "[h]ydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that *each generator has a nameplate rating* of ten megawatts (10 MW) or less." (emphasis added). Division of Energy has certified the Keokuk hydroelectric facility as an eligible renewable energy resource pursuant to its regulation.[6]

C. Appropriate Forum for Commission Action

19. Finally, Renew Missouri urges the Commission to act upon its allegations in this docket rather than requiring Renew Missouri to file a complaint. Renew Missouri alleges that formal complaints cost too much time and money.

20. This is not a reason to litigate these matters in this docket. Renew Missouri spent time and money to file its comments in this docket. That time and money could have been invested in a complaint case. Certainly, Ameren Missouri has had to spend time and money in order to respond. Renew Missouri chose to raise these issues in this venue, even though they have been told multiple times that the appropriate course is to file a complaint case and/or to file to modify the Commission's RES regulations. For example, in the Company's 2015 RES

[6] File No. EO-2016-0286, Order Regarding Renewable Energy Standard Compliance Report and Plan, September 24, 2016, p. 4.

Compliance Report and 2016-2018 RES Compliance Plan docket, the Commission told Renew Missouri:

> After reviewing Ameren Missouri's filing and the responses of Staff and the various stakeholders, the identified concerns and the responses of the utility are clear. As a result, requiring additional filings in this non-contested case would not be productive. For that reason, the Commission will not require Ameren Missouri to provide any additional information or to address any concerns or deficiencies. In deciding that no additional filings will be required, the Commission is not making any findings or determinations about the merits of the concerns raised by Renew Missouri. Renew Missouri is free to bring a complaint against Ameren Missouri as permitted by Section 386.390, RSMo 2000 and the penalty provisions of 4 CSR 240-20.100(9)(A). In addition, if Renew Missouri believes that a Commission regulation should be amended, it may file an appropriate petition pursuant to Section 536.041, RSMo (Cum. Supp. 2013).[7]

21. Similar language has appeared in almost every Commission order in which Renew Missouri has raised this issue. For example, the order in Ameren Missouri's 2014 RES Compliance Report and 2015–2017 RES Compliance Plan gave Renew Missouri the same options:

> If the organizations that submitted comments, or anyone else, want to further pursue their contention that Ameren Missouri has failed to comply with the requirements of the renewable energy statute or the Commission's implementing regulations, they may do so by filing a complaint pursuant to Commission Rule 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.[8]

WHEREFORE, Ameren Missouri accepts the Staff recommendation to file an updated RRI in its next IRP filing and respectfully requests that the Commission decline Renew Missouri's invitation to afford it relief without the filing of a complaint in which it alleges and

[7] File No. EO-2016-0286, Order Regarding Renewable Energy Standard Compliance Report and Plan, September 24, 2016, p. 5.

[8] File No. EO-2015-0267, Order and Notice Regarding 2015 RES Compliance Plan and Report, August 5, 2015, p. 2.

proves that Ameren Missouri is not in compliance with the applicable law, and accept the Company's RES 2016 Compliance Report and its RES Compliance Plan for 2017-2019.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ Wendy K. Tatro

Wendy K. Tatro, # 60261
Director & Assistant General Counsel
Paula N. Johnson #68963
Senior Corporate Counsel
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149, MC 1310
St. Louis, MO 63103
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenMOService@ameren.com

SMITH LEWIS, LLP

/s/ James B. Lowery
James B. Lowery, #40503
Suite 200, City Centre Building
111 South Ninth Street
P.O. Box 918
Columbia, MO 65205-0918
Phone (573) 443-3141
Facsimile (573) 442-6686
lowery@smithlewis.com

ATTORNEYS FOR UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to counsel for parties in this case on this 15th day of June, 2017.

/s/ *Wendy K. Tatro*