

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

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for Permission and)
Approval and a Certificate of Public Convenience and) File No. EA-2024-0212
Necessity.)

APPLICATION

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), pursuant to Section 393.170 RSMo, 20 CSR 4240-2.060 and 20 CSR 4240-20.045,¹ and hereby submits to the Missouri Public Service Commission ("Commission") its Application requesting a Certificate of Convenience and Necessity ("CCN") under subsection 1 of Section 393.170 RSMo, to construct, install, own, operate, maintain, and otherwise control and manage an electric generating asset and associated facilities. More specifically, the Company seeks a CCN under Section 393.170.1 RSMo, authorizing it to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset and all associated facilities to be constructed in Montgomery County, Missouri to serve as the third Program Resource for the Company's Community Solar Program. *See* Commission File Nos. ET-2020-0022, EA-2020-0371, and ER-2021-0240.

¹20 CSR 4240-20.045 (effective November 30, 2018), referred to as the "CCN Rule," describes the requirements for electric CCN applications, and sets out separate requirements for the different types of CCNs: service area certificates in subsection 4; operation of assets certificates in subsection 5; and construction certificates in subsection 6. While the CCN Rule has been held unlawful by a reviewing court, the CCN Rule is technically still in effect at the time of this filing as further review is pending. *In re Matter of Amendment of Commission's Rule Regarding Applications for Certificates of Convenience and Necessity*, 2019 WL 2651187 (Mo.App. W.D. June 28, 2019) (Transferred to Mo. Supreme Court). Accordingly, this Application describes its compliance with the CCN Rule currently in effect.

In support of this request, Applicant states as follows:

I. APPLICANT

1. Union Electric Company is a Missouri corporation doing business under the fictitious name of "Ameren Missouri," in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Ave., St. Louis, Missouri 63103. Applicant is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. A certified copy of Applicant's Articles of Incorporation (Case No. EA-87-105), and Applicant's Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (Case Nos. EA-2019-0181), and a Certificate of Good Standing from the Missouri Secretary of State is included as Schedule A, all of which are incorporated herein by reference in accordance with 20 CSR 4240-2.060(1)(G).

2. Filings, notices, orders, and other correspondence and communications concerning this Application should be addressed to undersigned counsel and to:

Steve Wills
Senior Director Regulatory Affairs
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, MO 63166-6149
314-554-2514
swills@ameren.com

3. Ameren Missouri has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court that involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

4. Applicant has no overdue annual report or assessment fees.

5. A 60-day notice with respect to the authority sought was filed on January 12, 2024, and assigned the above-captioned file number.

II. COMMUNITY SOLAR PROGRAM AND ITS EXPANSION

6. Ameren Missouri filed a series of CCN applications to execute its Community Solar Program ("Program").² The original purpose of the Program was to pilot a voluntary subscription-based program for residential and small business (general service) customers as an alternative to customer-owned solar for customers unwilling or unable to install or lease their own solar panels. Customers may subscribe for up to 50% of their average annual usage in monthly blocks of 100 kilowatt-hours. The Program's first resource at the Lambert Airport Renewable Energy Center, a 1,302-block photovoltaic ("PV"),³ was fully subscribed by December 10, 2018, just under two months after the tariff effective date of October 13, 2018.

7. Ameren Missouri filed to expand the Program on November 25, 2019, and the Commission approved the tariff change effective on June 27, 2020. *See* ET-2020-0022. Subsequently, Ameren Missouri filed for approval of a CCN for a second solar resource in Montgomery County, Missouri ("Montgomery County Community Solar Center") on October 28, 2020, and the Commission assigned File No. EA-2020-0371. The Commission approved the Unanimous Stipulation and Agreement on March 24, 2021, and approved the CCN for the resource in Montgomery County with an effective date of April 3, 2021. Both the Lambert Renewable Energy Center and the Montgomery County Community Solar Center are fully subscribed with more than 2,500 customers.

8. In File No. ER-2021-0240, Ameren Missouri requested to transition the pilot Program to a permanent Program. The Commission approved the permanent Program with four modifications. *See* File No. ER-2021-0240, Unanimous Stipulation and Settlement at 11-12.

² In File No. EA-2016-0207, the Commission approved Ameren Missouri's Community Solar Pilot Program and associated tariff and granted Ameren Missouri a CCN for its first Program Resource — the St. Louis Lambert International Airport solar generation facility. *See also* File No. ET-2020-0022 and File No. EA-2020-0371.

³ *See* File No. EA-2016-0207.

The modifications to the Company's proposal approved by the Commission were as follows: (1) language was added to the proposed tariff allowing customers to transfer from the Community Solar pilot program resource to participate under the permanent program terms to the extent customers in the pilot program desired to make the change; (2) permanent program resource construction cannot begin until 70% of a resource for the permanent program is subscribed; (3) shareholders to bear the risk for any undersubscribed portion of the permanent Community Solar program to a 50% undersubscribed threshold, provided, that if the subscription rate falls below 50%, non-participant customers would shoulder the costs; and (4) market costs and revenues for any undersubscribed portion of a permanent program resource will be allocated to shareholders and no flow through the Fuel Adjustment Clause. *Id.*

9. As explained in the direct testimony of Gregory W. Lovett, Ameren Missouri commenced active marketing of the Program expansion and the customer response was again very positive. As of April 2024, approximately 100% of the first two Resource's planned capacity of 9,500 blocks are subscribed. Through April 2024, the Project is 85% subscribed at 5.96 megawatts ("MW") of the 7.0 MW Project, which exceeds the requirement of 70% enrollment prior to the start of construction in approved case No. ER-2021-0240. The Company anticipates the Project will be fully subscribed at the time the Project is expected to be placed in service in 2025. Consistent with the Unanimous Stipulation and Settlement in File No. ER-2021-0240, the Company met the requirements to add another resource to meet the demand under the Community Solar Program.

10. Therefore, to meet the needs of customers, the Company is seeking to expand the Montgomery site and construct a third Program Resource for the Program. The New Florence

Solar Facility ("Project") will be the third facility in the Program and operate under the terms of the tariff.

III. DESCRIPTION OF THE PROJECT

11. Applicant requests a certificate for a solar generating asset and associated facilities to be constructed, installed, owned, operated, maintained, and otherwise controlled and managed by Ameren Missouri, to enable the Company to fulfill its customers' requests for more renewable energy options and to further the Company's commitment to renewable energy generation and investment in the State of Missouri.

12. As explained in the direct testimony of Ameren Missouri witness Scott Wibbenmeyer, the Project will include a solar generating asset consisting of approximately 7.0 MW alternating current ("AC") of single-axis, ground-mounted, tracking photovoltaic ("PV") panels and associated facilities in Montgomery County, Missouri.

13. In order to satisfy waitlisted customer demand, construction is anticipated to commence on or before January 1, 2025. Construction is anticipated to be completed and the Project is anticipated to be in operation by December 2025.

IV. REQUEST FOR CCN

14. Ameren Missouri seeks a CCN under subsection 1 of Section 393.170 RSMo, authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage the Project to be constructed in Montgomery County, Missouri to serve as the second Resource for the Company's expanded Community Solar Program.

A. CCN Factors evaluated by the Commission ("Tartan Factors")⁴

15. The Tartan Factors are as follows:

⁴ While a project is not required as a matter of law to meet the "Tartan Factors," the Commission has traditionally analyzed CCN applications using those factors. See In Re Tartan Energy, GA-94-127, 3 Mo.P.S.C.3d 173, 177 (1994).

- a. Need for the Project;
- b. Economic Feasibility of the Project;
- c. Ability of the Applicant to Finance the Project;
- d. Qualifications of the Applicant to Construct the Project; and
- e. Whether the Project is in the Public Interest.

An affirmative finding on the first four factors generally leads to the conclusion that the final factor, public interest, is satisfied⁵.

16. Need Factor: The Company demonstrates need for the Project through Mr. Lovett's direct testimony. Mr. Lovett explains the high levels of satisfaction participants in the Program have shown in response to surveys, and the robust level of customer demand for an expanded Program and desire for an additional resource to meet the demand. Indeed, as of April 2024, over eighty-five percent (85%) of the Project's planned capacity has been subscribed.

17. Economic Feasibility Factor: The Company demonstrates the economic feasibility for the Project through Scott Wibbenmeyer's direct testimony. Mr. Wibbenmeyer explains that the Project is being built to support the voluntary customer program and the customer waitlist sufficient to meet eighty-five percent (85%) of the Project's planned capacity. Mr. Wibbenmeyer testifies that the Project was sized to accommodate a small portion of the ongoing customer demand between now and when the Project goes into operation.

18. Finance Ability Factor: As explained in Mr. Wibbenmeyer's direct testimony, Ameren Missouri has the financial ability to construct the assets through the use of existing funds and indebtedness while maintaining strong financial metrics. Also, the cost estimates associated

⁵ *Id.* at 189 (citing *In re: Intercon Gas, Inc.*, 30 Mo. P.S.C. at 561).

with this Project are relatively small in scale compared to some other construction projects that Ameren Missouri has successfully completed during the past few years.

19. Qualified to Construct Factor: As discussed in Mr. Wibbenmeyer's direct testimony, Ameren Missouri is qualified to construct the Project as it has experience developing and owning generation of various types, including solar generation, and has used a competitive process to solicit bids from potential contractors who have the experience and knowledge to construct the Project.

B. Compliance with 20 CSR 4240-20.045(6)

22. In compliance with 20 CSR 4240-20.045(6)(A), confidential Schedule B depicts the site of construction for the Project. As explained in Mr. Wibbenmeyer's direct testimony, the planned Project utilizes the same site as the Montgomery County Community Solar Center.

23. In compliance with 20 CSR 4240-20.045(6)(B), the list of regulated and non-regulated utilities, railroad tracks, and underground facilities the Project will cross is set out in Schedule C-1. Schedule C-2 provides a copy of the confidential ALTA survey.

24. In compliance with 20 CSR 4240-20.045(6)(C), confidential Project specifications can be found in Schedule D. The estimated total cost of the initial construction of the Project is approximately *** _____ ***.

25. In compliance with 20 CSR 4240-20.045(6)(D), and explained above, the Company plans to begin construction of the Project on or before January 1, 2025, and anticipates the Project to be fully operational by December 2025.

26. 20 CSR 4240-20.045(6)(E) is not applicable.

27. In compliance with 20 CSR 4240-20.045(6)(F), and as explained in Mr. Wibbenmeyer's direct testimony, the Company plans to finance the construction of the Project using existing funds and indebtedness.

28. In compliance with 20 CSR 4240-20.045(6)(G), and as explained in Schedule E, the Project is not inconsistent with Ameren Missouri's IRP Preferred Resource Plan and the Company's three-year Implementation Plan.

29. In compliance with 20 CSR 4240-20.045(6)(H), and as described in Mr. Wibbenmeyer's direct testimony, Ameren Missouri used a competitive bidding process to solicit bids from potential contractors who have experience and knowledge to construct the Project. Schedule F, which is confidential, also describes the plan used for competitive bidding.

30. In compliance with 20 CSR 4240-20.045(6)(I) & (J), Schedule G provides a confidential draft operating procedure for the Project, which includes restoration of service of the assets.

31. 20 CSR 4240-20.045(6)(K) is not applicable.

C. Timing

32. In order for the Company to meet customer demand as timely as practicable, the Company requests the Commission issue its order to be effective as soon as practicable and by no later than November 1, 2024. The Company will work with Staff and OPC to develop a proposed procedural schedule for the Commission to approve.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue a final order as soon as practicable and by no later than November 1, 2024 granting a CCN under Section 393.170.1 RSMo, authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset and all associated facilities to be constructed

in Montgomery County, Missouri to serve as the third Resource for the Company's Community Solar Program. *See* File Nos. ET-2020-0022, EA-2020-0371, and ER-2021-0240.

Respectfully submitted,

UNION ELECTRIC COMPANY
D/B/A AMEREN MISSOURI

/s/ Wendy K. Tatro _____

Wendy K. Tatro, #60261

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

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

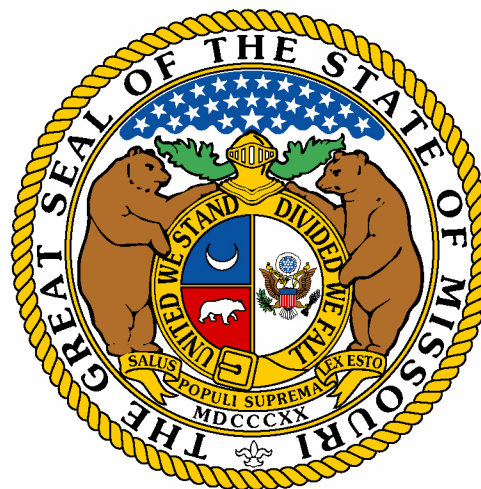
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

UNION ELECTRIC COMPANY
00040441

was created under the laws of this State on the 21st day of November, 1922, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 23rd day of May, 2024.


Secretary of State



Certification Number: CERT-05232024-0040

EA-2024-0212

**Schedule B
is Confidential
in its Entirety**

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New Florence Community Solar Center – List of Utility Crossings

- The only utility this project will be crossing is a fiber telecommunication line within the Booneslick road right of way, along the south side of the property. This project will have an entrance driveway to the site that will cross over this line, but it is not expected to interfere with the line.
- Additional details of the surrounding utilities can be seen on the ALTA survey attached as Schedule C-2 to this application.

EA-2024-0212

**Schedule C-2
is Confidential
in its Entirety**

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Schedule D
is Highly Confidential
in it's Entirety

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Schedule E

The Community Solar Program is consistent with Ameren Missouri's 2023 IRP Preferred Resource Plan and the Company's three-year Implementation Plan. File No. EO-2024-0020. The Program is specifically discussed within Chapter 6 of the Company's 2023 IRP as one of the innovative renewable deployments Ameren Missouri is pursuing in effort to deliver more renewable generation throughout its service territory and meet the growing needs of its customers. The Program is consistent with the overall transformation of the Company's generation portfolio to achieve net-zero CO₂ emissions by 2050.

The New Florence Community Solar Project will become Ameren's third facility to support the Community Solar Program. The New Florence Community Solar Project adds 7 MW-ac to Ameren Missouri's renewable energy portfolio providing the energy needs for approximately 1,200 homes a year and saving 10,421 metric tons of CO₂ equivalent emissions annually*.

**Does not include an estimated annual degradation of .5%.*

EA-2024-0212

**Schedule F
is Highly Confidential
in it's Entirety**

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EA-2024-0212

**Schedule G
is Confidential
in its Entirety**

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in Montgomery County, Missouri to serve as the third Resource for the Company's Community Solar Program. *See* File Nos. ET-2020-0022, EA-2020-0371, and ER-2021-0240.

Respectfully submitted,

UNION ELECTRIC COMPANY
D/B/A AMEREN MISSOURI

/s/ Wendy K. Tatro _____

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

VERIFICATION

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Application* is true and correct to the best of his knowledge, information, and belief.

This request is substantially consistent with the Preferred Resource Plan specified in the most recent triennial compliance filing made by Ameren Missouri. 20 CSR 4240-22.080(18) and the Company's three-year Implementation Plan.

/s/ Warren Wood
Warren Wood, Vice-President
External Affairs & Communications
Union Electric Company d/b/a Ameren Missouri

Subscribed to me this 24th day of May, 2024.