

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

In the Matter of Ameren Missouri’s 2023)
Utility Resource Filing pursuant to 20 CSR) File No. EO-2024-0020
4240 – Chapter 22)

**AMEREN MISSOURI’S RESPONSE TO
ALLEGED DEFICIENCIES AND CONCERNS**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), pursuant to 20 CSR 4240-22.080(10), and for its response to the report and comments filed on February 27 and 28, 2024, states as follows:

I. BACKGROUND

1. Ameren Missouri submitted its Chapter 22 triennial Integrated Resource Plan (IRP)¹ filing on September 26, 2023. Preparing the IRP was a significant undertaking into which Ameren Missouri invested approximately 18 months of drafting and development. As part of this process, Ameren Missouri met with several stakeholders, including most of the parties participating in the current docket.

2. On February 28, 2024, the Missouri Public Service Commission's Staff ("Staff") filed its report, which raises two concerns that the parties will resolve outside of the instant matter, but does not allege any deficiencies.²

¹ Rule 20 CSR 4240-22.

² In its report, Staff mentions that it believes ratepayers may bear risk as a result of Ameren's proposed new generation projects, including new wind and solar generation projects as well as new natural gas generation projects. On this point, however, Staff's report concludes that this concern may be resolved by way of the requirements in the *Stipulation and Agreement* dated March 5, 2024 from File No. EO-2023-0286 (the Multi-CCN case). Staff's report also takes issue with Ameren Missouri's demand-side management portfolios in its IRP, but suggests addressing these issues in File No. EO-2023-0136 (MEEIA Cycle 4), currently before the Missouri Public Service Commission. While Ameren Missouri generally believes it would be most appropriate to address concerns relating to its IRP in the instant matter, Ameren Missouri agrees with this approach on this occasion given that the hearing in File No. EO-2023-0136 is quickly approaching (currently set for July 2024). Staff's concerns and the parties' resolutions thereto are discussed further in Attachment A to the Joint Filing, submitted contemporaneously herewith.

3. On February 27 and 28, 2024, seven intervening stakeholders (the "Intervenors") filed comments in response to Ameren Missouri's IRP expressing concerns and asserting certain alleged deficiencies³.

4. 20 CSR 4240-22.080(10) provides:

If full agreement on remedying deficiencies or concerns is not reached, then, within sixty (60) days from the date on which the staff, public counsel, or any intervenor submitted a report or comments relating to the electric utility's triennial compliance filing, the electric utility may file a response and the staff, public counsel, and any intervenor may file comments in response to each other. The commission will issue an order which indicates on what items, if any, a hearing will be held and which establishes a procedural schedule.

II. CONSIDERATIONS WHEN REVIEWING ALLEGED DEFICIENCIES AND CONCERNS

5. Attached to this pleading as Attachment 1 is Ameren Missouri's detailed response to those alleged deficiencies and concerns set forth in the Intervenors' comments that remain unresolved.⁴ This pleading will not go into the details of Ameren Missouri's response, but will address five overarching considerations that Ameren Missouri asks the Missouri Public Service Commission ("Commission") to bear in mind as it considers the alleged deficiencies and concerns that remain unresolved.

6. First, the Commission must weed out the alleged deficiencies that are essentially a party's judgment of the relative weight given to certain competing planning objectives. Different parties will judge competing trade-offs differently. If the IRP lacked analysis required by 20 CSR 4240-22, that would clearly constitute a deficiency. But where the alleged deficiency is essentially that the IRP should have judged differently the trade-offs between competing planning objectives, this would not be a deficiency; it is instead a difference of opinion. With the diversity of the

³ The Office of Public Counsel did not submit comments.

⁴ See the *Joint Filing* filed contemporaneously with this pleading for the resolutions of various comments and concerns.

eight parties that submitted comments or reports on Ameren Missouri's IRP (and their associated agendas), it is unlikely that any IRP would garner unanimous support.

7. Second, while the planning horizon for the IRP is a 20-year duration⁵, the implementation period is only the three years following the filing, until the next IRP is filed⁶. This has a two-fold effect of promoting long-term planning while allowing shorter-term adjustments. Additionally, the Commission's IRP rules contemplate an annual update process, set forth in 20 CSR 4240-22.080(3). This update process obviates the need for the Commission to order Ameren Missouri to update its assumptions on an ad hoc basis, as the Commission has already created a process whereby this must regularly occur.

8. Third, it is not practical for a utility's triennial IRP filing to reflect all nitty gritty details over a 20-year planning period, such as the details of a specific customer program or what specific projects should be analyzed. For this reason, the Commission's resource planning rule requires utilities to analyze generic resources with generic assumptions. The preferred plan sets the direction for the utility; during project implementation thereafter, specific projects and their specific details are compared to each other, enabling review of the specific details of those projects that will be implemented (e.g., in certificate cases where approval is sought).

9. Fourth, Ameren Missouri suggests that the Commission consider a very pragmatic concept – it may simply not be worth the effort to make certain revisions to the analyses. Presume for a moment that the IRP contains a deficiency. Before ordering Ameren Missouri to redo its analysis, the Commission should consider whether the change being proposed would change Ameren Missouri's selection of its Preferred Resource Plan and, perhaps most importantly, whether it would change Ameren Missouri's Implementation Plan (i.e., Ameren Missouri's

⁵ 20 CSR 4240-22.020(43).

⁶ 20 CSR 4240-22.020(25).

activities for the next three years until it files a new IRP). IRP filings under the Commission's rules represent the utility's best plan as of the filing date, but there will always be changes in law, regulations, or market dynamics that occur during the months following the filing date. Accordingly, there will always be certain elements of the plan that could be updated if so ordered. Nonetheless, if re-doing the analysis is not going to result in a change to the Preferred Plan selection or to Ameren Missouri's Implementation Plan, then it would not be productive to order Ameren Missouri to invest time and resources in re-developing that portion of the IRP filing.

10. Fifth and finally, filed contemporaneously with this pleading is a *Joint Filing* between the parties who filed comments on February 27th or February 28th, which resolves many of the issues raised. While there are remaining concerns, none of them rise to a level that would prevent Ameren Missouri's resource acquisition strategy from fulfilling the planning objectives of Chapter 22.

III. DEFICIENCIES ALLEGED BY SIERRA CLUB

11. While nine out of thirteen of the deficiencies alleged by Sierra Club remain unresolved, Ameren Missouri understands that the four alleged deficiencies that have been resolved include the issues most important to Sierra Club. Accordingly, Sierra Club has communicated that it will not seek a hearing to address its unresolved alleged deficiencies.

WHEREFORE, Ameren Missouri requests the Commission conclude that its September 26, 2023 IRP complies with the requirements of 20 CSR 4240-22, and acknowledge that Ameren Missouri's Preferred Resource Plan is reasonable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon the parties listed on the official service list by e-mail on this 11th day of June, 2024.

/s/ William D. Holthaus, Jr.
William D. Holthaus, Jr.