

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 30th day of
December, 2019.

In the Matter of the Application of Union)	
Electric Company d/b/a Ameren Missouri)	
for a Variance from the Provisions of its)	File No. EE-2020-0107
LED Lighting Tariff Limits in/for Cape)	
Girardeau, Missouri, in Anticipation of)	
Longer-Term Tariff Revisions)	

ORDER GRANTING VARIANCE

Issue Date: December 30, 2019

Effective Date: January 9, 2020

Procedural History

On October 16, 2019, Union Electric Company, d/b/a Ameren Missouri (Ameren Missouri) filed an application seeking a variance from the portion of its Tariff Sheet No. 58.5 that limits the annual number of customer-requested light-emitting diode (LED) light conversions to 1,000 total and 25 per customer. The City of Cape Girardeau, Missouri, is requesting Ameren Missouri convert over 1,000 of its streetlights to LED lights, which exceeds the current annual and per customer limits in the tariff sheet. Ameren Missouri also seeks a waiver from the 60-day notice of case filing requirement in Commission rule 20 CSR 4240-4.017.

The Commission set a deadline of November 6, 2019, for the filing of applications to intervene. No requests to intervene were received.

The Commission ordered Staff to file a recommendation, which it did on December 9, 2019. Staff recommended the Commission grant the requested variance, but set the

variance to expire 45 days after the tariff in Ameren Missouri's pending rate case goes into effect. No responses to Staff's recommendation were received. The Commission will consider the recommendation with the recommended time limitation unopposed.

Decision

Ameren Missouri is an electrical corporation and a public utility subject to the Commission's jurisdiction. Commission rule 20 CSR 4240-2.060(4) allows a utility to request a variance from tariff provisions on good cause shown. Further, Sheet No. 105 of Ameren Missouri's tariff provides that the "Company may make written application to the Commission to seek the approval of a waiver of any specified portion of these filed tariffs for good cause shown." All statutory and regulatory requirements for filing of the application were met.

When the LED installation program was introduced in 2016, a yearly limit of 1,000 customer-requested installations was set to ensure there were enough resources to meet the anticipated transition from traditional lights. The limit of 25 per customer was intended to support fairness among customers by ensuring that no one customer could use all 1,000 installations allowed for that year. In 2016, Ameren Missouri received 14 customer requests for LED installations. In 2018, there were 30 customer requests. Through September 2019, only a total of 254 installations were completed.

Ameren Missouri indicated it will seek to amend the tariff sheet when procedurally appropriate. That tariff sheet was submitted as part of Ameren Missouri's pending rate case in File Number ER-2019-0335, and while it is pending that tariff sheet cannot be further amended. This pending tariff sheet prompted Staff's unopposed recommendation to limit

the time of this variance to 45 days after the effective date of the final tariff approval in File Number ER-2019-0335.

Good cause for the variance exists as Ameren Missouri has increased experience with LED installations compared to 2016, when the LED installation limit was established, such that they now exclusively install LED lighting for all new lights, showing they have the resources and ability to install a higher number of customer requested LED installations. Good cause also exists in that the marketplace now offers sufficient LED conversion fixtures such that Ameren Missouri no longer needs to restrict access in order to ensure adequate market availability. Good cause is also evidenced by the low rate of customer-requested LED installations as compared to Ameren Missouri's available resources and the overall LED conversion program, so that broadening the LED limits will not cause harm to any customer or Ameren Missouri's other programs.

The Commission finds the requested variance to be reasonable and finds that good cause to approve the variance has been established, as required by Commission rule and Tariff Sheet No. 105. The Commission also agrees with Staff's unopposed recommendation to limit the time this variance is effective, but finds the suggested limit difficult to implement as the exact effective date of the final tariff approval in File Number ER-2019-0335 is unknown. The Commission will therefore make this variance effective until 45 days after May 30, 2020, the date to which Ameren Missouri's general rate increase tariff has been suspended.

Ameren Missouri also requested a variance from the 60-day case filing notice requirement. Commission rule 20 CSR 4240-4.017(1)(D) allows the Commission to grant a variance from the 60-day notice filing upon a finding of good cause, which includes "a

verified declaration from the filing party that it has had no communication with the office of the commission within the prior 150 days regarding any substantive issue likely to be in the case,” Ameren Missouri has had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, the Commission waives the 60-day notice requirement.

Section 386.490, RSMo 2016, states all Commission orders become effective 30 days after issuance unless otherwise provided. This order will be effective in less than 30 days: because the application and Staff’s recommendation are unopposed; to allow the City of Cape Girardeau the quickest financial benefit of LED installations; to allow Ameren Missouri to make arrangements with suppliers; and to allow Ameren Missouri and the City of Cape Girardeau the opportunity to take advantage of breaks in the weather to begin the LED installations.

THE COMMISSION ORDERS THAT:

1. Union Electric Company d/b/a Ameren Missouri’s request for variance from that portion of its Tariff Sheet 58.5 limiting the annual number of customer-requested LED light conversions in total and per customer is granted for a limited time. The approval of the variance expires July 14, 2020, unless otherwise ordered by the Commission.

2. The notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived.

3. This order shall become effective on January 9, 2020.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, CC., concur.

Hatcher, Regulatory Law Judge

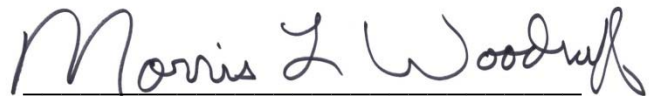
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 30th day of December 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 30, 2019

File/Case No. EE-2020-0107

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

**Missouri Public Service
Commission**

Karen Bretz
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Karen.Bretz@psc.mo.gov

Union Electric Company

Paula Johnson
1901 Chouteau Avenue
St Louis, MO 63103
AmerenMOS@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.