BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service.

File No. ER-2024-0319

NOTICE OF RESOLUTION OF ISSUE

COME NOW Union Electric Company d/b/a Ameren Missouri (the "Company") and the Staff of the Missouri Public Service Commission (the "Staff"), and for their notice that they have resolved an issue raised by the Staff's direct case filed in this docket on December 3, 2024, state as follows:

1. The Company incurred \$407,000 in legal fees during the test year relating to federal court litigation involving the now retired Rush Island Energy Center. Specifically, these legal fees were incurred in connection with plaintiff United States' Motion for Mitigation Relief after the Eighth Circuit's remand after the Eighth Circuit affirmed the federal district court's underlying orders regarding Rush Island. The United States and the Company have agreed on a resolution of the United States' Motion, as reflected in their Joint Proposed Stipulated Order (the "Stipulated Order") filed with the federal district court on November 6, 2024.

2. The Company's direct case filing revenue requirement in this case reflected these legal fees. Staff opposes reflection of these legal fees in a revenue requirement upon which the Company's rates would be set based in part on Staff's position that the Company decisions not to obtain permits for the 2007 and 2010 projects at Rush Island were imprudent and on Staff's position that those imprudent decisions ultimately led to the violation of the Clean Air Act determined by the federal district court and the \$407,000 of legal fees and other relief reflected in Stipulated Order. The Staff further opposes reflecting any costs in a Company revenue requirement arising from the Stipulated Order.

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3. The Company has incurred no costs arising from the Stipulated Order in the test year in this case and will not incur any costs arising from the Stipulated Order during the true-up period in this case. Consequently, any arguments about the prudence of the Company's decisions relating to permitting for the 2007 and 2010 Rush Island projects arise only from the above-referenced legal fees.

4. The Company agrees not to include those legal fees, or any other fees or costs related to the Stipulated Order, in its trued-up revenue requirement in this case. As a consequence, the Staff agrees that there is nothing to litigate in this case respecting the prudence of the Company's decisions not to obtain permits for the 2007 and 2010 Rush Island projects, regarding the legal fees arising from the United States' Mitigation Motion or arising from the relief agreed upon in the Stipulated Order. The Company and the Staff agree that given the foregoing, any issues in this case relating to the prudence of the Company's 2007 and 2010 permitting decisions that would have otherwise existed are moot and that the Commission need not decide any such issues in this case.¹

5. The Company and the Staff further agree that their agreements as set forth in ¶4 of this Stipulation resolve issues relating to the prudence of the Company's 2007 and 2010 permitting decisions in this case only.

¹ Therefore, the Company will not prepare and file extensive rebuttal testimony on such issues in response to the Staff's direct case, which the Company states it would have otherwise filed, consisting in all likelihood of extensive testimony from witnesses Birk, Whitworth, Holmstead, Moor, and Reed, as the Company has filed in two prior proceedings already, in File Nos. ER-2022-0337 and EF-2024-0021.

WHEREFORE, the Company and the Staff hereby file this Notice.

Respectfully submitted,

/s/ James B. Lowery James B. Lowery, Mo. Bar #40503 JBL LAW, LLC 9020 S. Barry Road Columbia, MO 65201 (T) 573-476-0050 lowery@jbllawllc.com

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Attorney for the Staff of the Missouri Public Service Commission

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed to the attorneys of record for all parties to this case as specified on the certified service list for this case in EFIS on this 16th day of December, 2024.

/s/ James B. Lowery James B. Lowery