

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

In the Matter of Ameren Missouri's 2024)
Integrated Resource Plan Annual Update) File No. EO-2025-0123
Report.)

**AMEREN MISSOURI'S REPLY TO THE COUNCIL FOR THE NEW ENERGY
ECONOMICS' RESPONSE TO SIERRA CLUB'S MOTION TO COMPEL**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and for its reply to the Council for New Energy Economics' ("NEE") Response to Sierra Club's Motion to Compel, states as follows:

BACKGROUND

1. On December 16, 2024, Ameren Missouri filed its response to Sierra Club's Motion to Compel.
2. Later that same day, NEE filed its Response to Sierra Club's Motion to Compel, which provided supplemental arguments in favor of Sierra Club's Motion to Compel that the Company had not previously received and to which the Company had not previously had opportunity to respond.

**NEE'S FLAWED ARGUMENTS IN SUPPORT OF
SIERRA CLUB'S MOTION TO COMPEL**

3. NEE points to Rule 20 CSR 4240-22.080(11) and argues that this rule, the text of which is provided below, obligates the Company to produce all workpapers and supporting documentation requested in any data request submitted to the Company in this docket.¹

All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions, and any other supporting information *relating to the filed resource acquisition strategy* within the electric utility's or its contractors' possession, custody, or

¹ NEE's Response to Sierra Club's Motion to Compel, at ¶4.

control shall be preserved and submitted within two (2) days of its triennial compliance or annual update filings in accordance with any protective order to the staff and public counsel, and to any intervenor within two (2) days of the intervenor signing and filing a confidentiality agreement, for use in its review of the periodic filings required by this rule. (emphasis added).

4. NEE overlooks that Rule 20 CSR 4240-22.080(11) applies only to information *related to the filed resource acquisition strategy* and not to any information contained within an IRP annual update. "Resource acquisition strategy" means "a preferred resource plan, an implementation plan, a set of contingency resource plans, and the events or circumstances that would result in the utility moving to each contingency resource plan."² "It includes the type, estimated size, and timing of resources that the utility plans to achieve in its preferred resource plan."³

5. The Company's latest resource acquisition strategy is contained in the Company's triennial 2023 IRP; the Company's 2024 IRP Annual Update did not change the resource acquisition strategy set forth in the 2023 IRP. Given that no resource acquisition strategy was filed in this docket, this rule is completely inapplicable here. In other words, the Company's obligation under this rule was to produce information related the resource acquisition strategy that was filed in last year's triennial 2023 IRP. Shortly after the 2023 IRP was filed in September 2023 (File No. EO-2024-0020), the Company did indeed produce its work papers related to the resource acquisition strategy contained therein. With no updates to the filed resource acquisition strategy contained in the Company's 2024 IRP Annual Update, the Company has no workpapers or other documents relating to the filed resource acquisition strategy other than what it produced last year in the triennial 2023 IRP matter.

² 20 CSR 4240-22.020(51).

³ *Id.*

6. Importantly, Rule 20 CSR 4240-22.080(3)(B) expressly contemplates that not every IRP annual update will change the utility's resource acquisition strategy:

[i]f the current resource acquisition strategy has not changed, the annual update report shall explicitly verify that the current resource acquisition strategy is the same as that contained in the most-recently filed triennial compliance filing or annual update filing.

The Company's 2024 IRP Annual Update specifically states that the Company did not change its resource acquisition strategy.⁴

7. NEE also argues that Rule 20 CSR 4240-22.080(11)'s express mention of both triennial compliance filings and IRP annual update filings is evidence that the Commission intends that the scope of information sharing in IRP annual update filings will be the same as in triennial compliance filings.⁵ Once again, NEE overlooks that the rule is triggered by the filing of a resource acquisition strategy, whether it be contained within a triennial compliance filing or an IRP annual update. The most logical inference is that the Commission promotes sharing information related to a filed resource acquisition strategy, not that the Commission intends that the same discovery in a triennial compliance filing shall be available in an IRP annual update.

8. NEE also argues that the Company's Annual Update Post-Workshop Summary Report ("Summary Report") shows that information or data underlying the utility's assumptions are not provided upfront to stakeholders, and therefore, discovery is necessary.⁶ In drawing this conclusion, NEE does not point to any specific part of the Summary Report. Presumably, however, this is a reference to paragraph 4 in the Summary Report, wherein the Company

⁴ *2024 IRP Annual Update* at Section 2.2 (October 1, 2024) (File No. EO-2025-0123) ("Based on the conclusions drawn from the review and analysis discussed here, the Company believes that its Preferred Resource Plan, as presented in its 2023 IRP, is still appropriate at this time. Should the Company's continued planning and consideration of relevant issues lead to a conclusion that its Preferred Resource Plan is no longer appropriate and should be replaced with a new Preferred Resource Plan, the Company will notify the Commission of its decision in accordance with 20 CSR 4240-22.080(12)").

⁵ *NEE's Response to Sierra Club's Motion to Compel*, at ¶4.

⁶ *Id.* at ¶5.

provided additional information regarding the auction for renewable energy subscriptions for the Cass County solar project (as a follow-up to certain stakeholder questions asked during the IRP update workshop).⁷ The Company's willingness to provide information if so requested during the IRP update workshop, however, is not evidence that discovery is necessary. Conversely, it shows that stakeholders have an avenue to obtain information without submitting data requests.

WHEREFORE, Ameren Missouri requests the Missouri Public Service Commission sustain its objections to Sierra Club's data requests and deny Sierra Club's Motion to Compel.

Respectfully submitted,

/s/ William D. Holthaus, Jr.

William D. Holthaus, Jr., #63888

Senior Corporate Counsel

Wendy K. Tatro, #60261

Director and Assistant General Counsel

Ameren Missouri

1901 Chouteau Avenue, MC 1310

St. Louis, MO 63103

(314) 554-3533 (phone)

(314) 554-4014 (fax)

AmerenMOService@ameren.com

Attorneys for Union Electric Company
d/b/a Ameren Missouri

⁷ *Annual Update Post-Workshop Summary Report*, at ¶4 (Nov. 15, 2024) (File No. EO-2025-0123).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties of record, as well as those on the service list for the above-captioned file number, via electronic mail (e-mail) on this 20th day of December, 2024.

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