

**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 Certificates of)	<u>File No. EA-2023-0286</u>
Public Convenience and Necessity)	Tracking No. JE-2026-0068
Authorizing it to Construct Renewable)	
Generation Facilities)	

STAFF’S REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and provides the Commission with its following Report and Recommendation:

1. On June 12, 2024, the Commission issued an Order Granting Certificate of Convenience and Necessity based upon a *Stipulation and Agreement*. Under the terms of the Agreement, the signatories agreed that the Commission should grant Ameren Missouri CCNs for the Split Rail Project, the Vandalia Project, and the Bowling Green Project, subject to conditions listed in paragraph 5 of the Agreement. Paragraph 5.j of the agreement stated that the CCNs would be subject to the condition, *inter alia*, that:

Reporting for any of the projects that are ultimately determined to be resources to be used for a future Renewable Solutions Program phase shall be as ordered by the Commission’s Report and Order in File No. EA-2022-0245. The Company shall notify Staff via a notice filed in this docket within seven (7) days after a decision to utilize such a project for the Renewable Solutions Program is made.

2. On June 16, 2025, Ameren Missouri filed a Notice Regarding Renewable Solutions Resources. Therein the Ameren Missouri gave notice:

. . .as required by ¶5j (second sentence) of the approved Stipulation and Agreement in this docket, that capacity from the Vandalia, Bowling Green, and Split Rail1 solar facilities will be offered for subscription in the Company’s Renewable Solutions Program. Whether and to what extent capacity from one, two, or all three facilities will be used for the Renewable Solutions Program will depend on whether and to what extent the capacity is subscribed.

Once the subscription event is complete, a Renewable Solutions Program Phase 3 tariff sheet reflecting renewable resource charges and credits will be submitted to the Commission.

3. On November 12, 2025, Ameren Missouri filed a tariff sheet to establish rates for Phase 3 of its Renewable Solutions Program using the Vandalia and Bowling Green solar facilities as resources. The tariff sheet bears an effective date of December 12, 2025, and has been assigned Tracking No. JE-2026-0068.

4. On November 12, 2025, the Commission issued its Order requiring Staff to file a recommendation on the sheet no later than November 19, 2025.

5. On November 19, 2025, Staff filed a Report and Motion for Extension or, alternatively (“Motion”), Order Suspending Tariff. On November 20, 2025, the Commission extended the deadline for Staff’s Recommendation to November 24, 2025.

6. Ameren Missouri’s filing letter for Tariff Tracking No. JE-2026-0068 stated that the tariff was filed as a revision of Schedule No. 6, schedule of rates for electricity, and that the purpose of the new tariff Sheet No. 83.8 was to establish rates for Phase 3 of its Renewable Solutions. It stated that the rates were developed as the result of an enrollment event seeking subscriptions to the Vandalia and Bowling Green solar facilities; that both facilities were offered as part of a Phase 3 rate schedule with their total nameplate capacities and respective capacity factors weighted and offered collectively in one phase; and that through the enrollment process, Phase 3 (both facilities) was fully subscribed.

7. The Tariff Tracking No. JE-2026-0068 sets out a Renewable Solutions Rate schedule – Program Phase No. 3. The tariff states that the rate schedule set out therein

applies to Renewable Energy Service for subscribers enrolled in Program Phase No. 3. It states that subsequent program phases, if any, shall have a separate rate schedule.

8. Staff's Motion stated that Staff had reviewed the Commission's filings and orders, the tariff, and Ameren Missouri's work papers. It stated that on the basis of that review, Staff had concluded that the *tariff* itself appeared to comply with the previous orders of the Commission. Staff's Motion stated, however, that Staff was unable to conclude that the *tariff filing* itself was not premature. The Motion advised the Commission that Staff had confirmed with Ameren Missouri that the construction of neither Vandalia nor Bowling Green was complete; that Ameren Missouri had informed Staff that the Vandalia construction completion was expected by the end of 2025 and that the Bowling Green construction completion was expected in the first quarter of 2026. The Motion advised the Commission that Staff's in-service criteria include the requirement that "all major construction work is complete."

9. Following the filing of Staff's Motion, Staff had further communications with Ameren Missouri. In those communications, Ameren Missouri's attorney quite correctly pointed out that previously to the instant case and pending tariff, Renewable Solutions tariffs had been approved for two other projects, "Boomtown" and "Cass County," well before the facilities were in-service. He noted that Boomtown's Phase I sheet had taken effect on May 1, 2023, while Boomtown had not gone into service, started producing energy and selling power into MISO, and started billing customers until December 19, 2024; and that Cass County's Phase II rate sheet had taken effect on September 29, 2024, while Cass County had not gone into service, started producing energy and selling power into MISO, and started billing subscribing customers until December 31, 2024.

Staff does not dispute the truth of any of Ameren Missouri's foregoing representations. But Staff does disagree with Ameren Missouri's ultimate argument and conclusion.

10. On November 21, 2025, Ameren Missouri's counsel advised:

No customer is billed under the rates until AFTER the facility is completed and is fully operational and used for service. It is necessary to have rates in effect so that subscribers know the charge/credit that they will pay get else the Company would be in a position where it effectively can't start selling them (via the charge/credit) starting when the facility in question goes into service, which is how the RS Program works [sic].

11. The difference between the Boomtown and Cass County projects, on the one hand, and the Bowling Green and Vandalia projects, on the other hand, is that in the former two cases the projects were not customer subscribed when the tariffs went into effect and that the tariffs were "necessary to have rates in effect" for prospective customers to consider; while in the latter two cases, the projects are now fully subscribed.

Ameren Missouri's tariff cover letter stated:

The purpose of the new tariff sheet No. 83.8 is to establish rates for Phase 3 of its Renewable Solutions Program. The rates were developed as the result of an enrollment event seeking subscriptions to the Vandalia and Bowling Green solar facilities. Both facilities were offered as part of a Phase 3 rate schedule with their total nameplate capacities and respective capacity factors weighted and offered collectively in one phase. *Through the enrollment process, Phase 3 (both facilities) was fully subscribed* [emphasis added].

12. It is Staff's position that the Boomtown and Cass County projects presented special cases, to be followed only where the risks of present customer non-subscription outweigh the risks of future confusion and conflict caused by a discrepancy between a rate tariff's legally effective date and when the rates may be legally charged.

13. Section 393.135, RSMo, states:

393.135. Charges based on nonoperational property of electrical corporation prohibited — exceptions, expiration. — 1. Except as provided in subsection 2 of this section, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction in progress upon any existing or new facility of the electrical corporation, or any other cost associated with owning, operating, maintaining, or financing any property before it is fully operational and used for service, is unjust and unreasonable, and is prohibited.

14. Staff's solar electrical generator in-service test criteria were set out fully and in complete detail in this docket in the Confidential Schedule SEL-r2 of Shawn Lange's Rebuttal Testimony, EFIS 41. They are, inter alia:

1. *** [REDACTED]

15. Following those general criteria in Shawn Lange's testimony are very specific capacity standards. And the upstart is that all of these standards, requiring many highly technical tests, must be satisfied before rates may actually be charged. —Satisfied to the satisfaction of the Commission.

16. Paragraph 5i of the Stipulation and Agreement approved and ordered by the Commission in this docket states:

The in-service criteria contained in Confidential SEL-r2 to Staff witness Shawn Lange's rebuttal testimony shall be used in the future rate case where a project proposed in this docket is considered for inclusion in rate base to determine whether the project is in-service.

17. Now: Consider the following simple hypothetical: Suppose that in the face of a tariff whose rates are facially then and there in effect, there develops future confusion or actual conflict between Staff and Ameren Missouri on whether the "fully operational" criteria have been satisfied. What would be the first order of business required? Staff suggests that the first order would be to suspend the tariff pending resolution of the "fully operational" issues. What is hazarded with just doing that now?

18. Staff submits that with Boomtown and Cass County, two hazards were involved: The risk of non-subscription upfront without an in-effect tariff and the risk of future confusion/conflict with an in-effect tariff. With Boomtown and Cass County it was determined that the first risk outweighed the second, and so the tariff was approved as effective in advance of customer subscription, full operation, and actual charges to customers. The first risk—of non-subscription—does not exist, however, with the Bowling Green and Vandalia projects. The projects are now fully subscribed. Accordingly, there is no reason to risk the second hazard. There are at least two remedies available: The Commission might enter an order approving the tariff with the December 12, 2025 effective date but expressly conditioning the rates upon compliance with all "fully operational" strictures, which effectively creates an outright discrepancy between what the tariff says and what the order says; or the Commission might mitigate such confusion by entering an order expressly approving the rate

schedule set out in the tariff—thereby reassuring all current subscribers as to what their future rates will be—but suspending the tariff itself pending further Commission Orders. Such an order would seem to satisfy all agendas. Staff recommends the second option.

19. Staff advises the Commission that on November 24, 2025, it issued data requests to Ameren Missouri calculated to ascertain the continuing progress of the projects with respect to their becoming fully operational.

20. Staff recommends that the Commission issue its Order:

- a. Approving the rate schedule set out in Tariff Tracking No. JE-2026-0068;
- b. Suspending the tariff in Tariff Tracking No. JE-2026-0068 pending further orders of the Commission.

WHEREFORE, Staff respectfully prays that the Commission will accept this pleading as compliant with the Commission’s Orders.

Respectfully submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on November 24, 2025 he filed the above captioned pleading in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham

