

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

City of Fulton, Hannibal Board of)	
Public Works, Kirkwood Electric,)	
City of Marceline and City of)	
New Madrid, Complainants,)	
)	
v.)	Case No. GC-2026-_____
)	
Union Electric Company d/b/a Ameren)	
Missouri,)	
)	
Respondent.)	

VERIFIED COMPLAINT AND MOTION FOR EXPEDITED TREATMENT

COMPLAINT

The City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, the City of Marceline and the City of New Madrid (collectively “Missouri Public Power”), pursuant to §386.390 *Revised Statutes of Missouri* (“RSMo”), 20 C.S.R. 4240-2.070, and the facts and law cited below, complain as follows regarding Union Electric Company d/b/a Ameren Missouri (“Ameren”):

1. Missouri Public Power is aggrieved by Ameren’s violation of its Tariff, the May 21, 1971 Order of the Missouri Public Service Commission (“Commission”) in Case No. 17,139 (effective June 2, 1971), and the Amended Report and Order issued by the Commission on August 7, 2024, effective August 17, 2024, in Case No. EF-2024-0021 (“R&O EF-2024-0021”) because Ameren unlawfully, unreasonably and imprudently failed to obtain all necessary permits and approvals from all governmental and regulatory authorities having jurisdiction and failed to comply with applicable federal and state air quality control standards, causing the October 15, 2024 retirement or abandonment of Ameren’s Rush Island Energy Center (“Rush Island”).

2. The retirement or abandonment of Rush Island on October 15, 2024 caused the capacity shortfalls in the Midcontinent Independent System Operator (“MISO”) Planning Reserve Auction (“PRA”) for Zone 5 for the 2024/2025 Planning Year, which aggrieved Missouri Public Power and caused damages in an amount of Ten Million Fifty Seven Thousand Seven Hundred Sixteen Dollars (\$10,057,716).

3. Ameren is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103.

4. Ameren is a public utility engaged in the business of distributing and transporting electricity to customers in the State of Missouri and is subject to the jurisdiction of the Commission under RSMo Chapters 386 and 393.

5. The City of Fulton is governed by an elected Mayor and a Council consisting of eight elected members. The five members of the city’s Public Utility Board provide recommendations to the City Council on the city’s utility rates and the Utilities Department budget and capital improvements. Fulton, through its Utilities Department, is a load serving entity and a Midcontinent Independent System Operator (“MISO”) Market Participant, and it provides its approximately 5,400 customers with electricity, natural gas, water, sewer and solid waste service. Fulton’s address is 18 East Fourth Street, Fulton, Missouri 65251. The City of Fulton is authorized to file this Compliant against Ameren under RSMo §386.390 and 20 C.S.R. 4240-2.070.

6. The City of Hannibal operates under a Home Rule Charter in which the elected Mayor is the legal head of government and presides over the meetings of the City Council which consists of six elected members. Hannibal’s City Manager reports directly to the Mayor and City Council and serves as the chief administrative officer responsible for the city’s day-to-day

operations. Hannibal's Board of Public Works, a chartered executive department in the City of Hannibal, has the authority to construct, manage, supervise and control the municipal electric system, and is a load serving entity and MISO Market Participant which owns or controls electric capacity sufficient to cover the needs of its 8,800 electric customers' peak annual load plus reserve. Hannibal Board of Public Work's address is 3 Industrial Loop Drive, P.O. Box 1589, Hannibal, Missouri 63401. The Hannibal Board of Public Works is authorized to file this Complaint against Ameren under RSMo §386.390 and 20 C.S.R. 4240-2.070.

7. The City of Kirkwood's Charter places administrative authority with the Chief Administrative Officer, and legislative and policy-making authority with the City Council. The Mayor and six Council Members are elected at large, meaning they serve all residents of Kirkwood equally. Kirkwood Electric is a municipal utility that serves its 10,300 customers by purchasing power from the market which includes various power plants connected to the MISO bulk power high voltage transmission system. Kirkwood Electric's address is 212 South Taylor, Kirkwood, Missouri 63122. Kirkwood Electric is authorized to file this Complaint against Ameren under RSMo §386.390 and 20 C.S.R. 4240-2.070.

8. The City of Marceline is governed by four elected City Council Members, who in turn elect the Mayor. Marceline is a load serving entity and, via contract with a MISO Market Participant, participates in regional power discussions, owns its own transmission lines and distribution systems, and its Electric Department provides safe, reliable power and service to its 1,150 customers. Marceline's address is 116 North Main Street USA, Marceline, Missouri 64658. The City of Marceline is authorized to file this Complaint against Ameren under RSMo §386.390 and 20 C.S.R. 4240-2.070.

9. The City of New Madrid is governed by an elected Mayor and six elected City Council Members. New Madrid's Municipal Power and Light Department was, at all relevant

times, pseudo-tied to its balancing authority MISO to serve the city's 1,600 customers. New Madrid's address is 560 Mott Street, P.O. Box 96, New Madrid, Missouri 63869. The City of New Madrid is authorized to file this Complaint against Ameren under RSMo §386.390 and 20 C.S.R. 4240-2.070.

10. Prior to this filing, commencing on December 4, 2025 and continuing thereafter, representatives from Missouri Public Power directly communicated with Ameren about this Complaint and the facts which ground this Complaint.

11. The Commission has jurisdiction over this Complaint under RSMo §386.390.1 and 20 C.S.R. 4240-2.070 because Ameren is a corporation, person or public utility in violation, or claimed to be in violation, of any provision of law subject to the Commission's authority, of any rule promulgated by the Commission, of any utility tariff, or of any order or decision of the Commission.

12. The applicable Sheet No. 102 of Ameren's current Tariff was established by the Commission in its Report and Order issued in ET-2013-0546; JE-2013-0582 and made effective June 30, 2013. (Exhibit A, attached hereto).

13. Ameren's Tariff Sheet No. 102 mandates that "[i]n supplying service to customers, Company shall furnish such service within a reasonable length of time dependent upon the availability of materials, labor and system capacity, *and after all necessary easements, permits and approvals are obtained from the customer and other governmental and regulatory authorities having jurisdiction.*" (Exhibit A, Emphasis added).

14. At 15 Mo. P.S.C. (N.S.) 505, Case No. 17,139, on May 21, 1971 (effective June 2, 1971), the Commission authorized Ameren to "construct, operate and maintain a multi-unit steam electric generating plant to be known as its 'Rush Island Plant'... [on the condition that] the authority granted herein shall in no way be construed as authority for waiver of compliance by

[Ameren] with any air or water quality control standards now existing or proposed by any agency of the State of Illinois or Missouri or of the Government of the United States.” (Exhibit B, attached hereto).

15. As found by the Commission at R&O EF-2024-0021 Pages 18-19, the United States District Court for the Eastern District of Missouri (“District Court”) “found Ameren Missouri liable for violations of the Clean Air Act” because Ameren had performed “major modifications” to Rush Island and had then continued to operate Rush Island and serve its customers but had failed “to have obtained a permit” for said “major modifications.”

16. As found by the Commission at R&O EF-2024-0021, Pages 28-29, and on Page 19, “[o]n September 30, 2019, the District Court determined that Ameren’s Missouri’s 2007 and 2010 Rush Island Projects had violated the Clean Air Act. The District Court explained that ‘when Ameren [Missouri] decided to make major modifications to expand Rush Island’s capacity, Ameren [Missouri] refused to play by the rules Congress set. It did not apply for the required PSD permit, and in so doing skirted PSD’s requirement to install the best available technology to control the pollution Rush Island emits.’ That decision directed Ameren Missouri to apply for a PSD permit within 90 days and propose FGD [Flue-Gas Desulfurization] and Best Available Control Technology in its PSD permit application. Ameren Missouri was ordered to operate its Rush Island units with an emissions limit of 0.05 lb. SO₂/mm BTU on a thirty-day rolling average within four- and one-half years of the District Court’s order (no later than March 31, 2024).”

17. As found by the Commission at R&O EF-2024-0021, Page 20 “[a] determination that Ameren Missouri violated the Clean Air Act by not obtaining required permits has already been made by the United States District Court for the Eastern District of Missouri.”

18. As found by the Commission at R&O EF-2024-0021, Page 20, “[o]n March 28, 2024, the District Court ordered Ameren Missouri to file a transcript of that day’s proceedings

with the Commission. On April 8, 2024, Ameren Missouri filed that District Court transcript. In that transcript the District Court expresses concern about Ameren Missouri's representations to the Commission. The District Court stated: 'I mean, it is what I said in my opinion; that a decision was not reasonable. And that's not mentioned anywhere to the PSC. In fact, Ameren continues to take the position that despite this Court's findings and its findings being affirmed in all respects by the U.S. Court of Appeals the decision was not reasonable, you went to the PSC and told them that it was.'"

19. As found by the Commission at R&O EF-2024-0021, Page 20, and also Page 30, "Ameren Missouri filed a motion with the District Court in December 2021, to modify the District Court's order to allow Ameren Missouri to retire Rush Island rather than install pollution control technology."

20. In a District Court filing dated February 22, 2022, Ameren and the Environmental Protection Agency stipulated that Ameren would "suspend for economic reasons operation of all or a portion of the ...[Rush Island] Generator commencing on 1st of September 2022." (Exhibit C, attached hereto).

21. In a District Court filing dated August 1, 2023, Ameren moved the District Court to allow Ameren to shut down Rush Island's boilers on October 15, 2024. (Exhibit D, attached hereto).

22. As found by the Commission at R&O EF-2024-0021, Page 20, and also Page 30, "[o]n September 30, 2023, the District Court issued its order, ordering Ameren Missouri to retire Rush Island no later than October 25, 2024, and terminating boiler operations no later than October 15, 2024."

23. As found by the Commission at R&O EF-2024-0021, Page 26, "Ameren Missouri planned to keep Rush Island operating until 2039."

24. As found by the Commission at R&O EF-2024-0021, Page 29, “Ameren Missouri’s 2020 integrated resource plan maintained a 2039 retirement date for Rush Island. Ameren Missouri evaluated two plans based upon the 2020 integrated resource plan. One plan contemplated Rush Island’s early retirement at the end of 2025, and the other involved the plant’s continued operation through 2039, with FGD installed.”

25. As found by the Commission at R&O EF-2024-0021, Page 30, “[t]here may be future harm related to capacity shortfalls or remedies imposed by the District Court, but those amounts are not yet known.”

26. As found by the Commission at R&O EF-2024-0021, Page 33, “Any consequences for harms that may have been caused by Ameren Missouri’s violations are unknown at this time because future harm related to potential capacity shortfalls are not yet known and the District Court has not determined the remedy for Ameren Missouri’s violation as of the issuance of this Financing Order.”

27. As found by the Commission at R&O EF-2024-0021, Page 33, “...Ameren Missouri will have to find solutions to a potential capacity shortage in the future...”

28. As found by the Commission at R&O EF-2024-0021, Page 36, “...At this time, it is not possible to quantify the harm resulting from these decisions and the District Court has not determined what remedies will be imposed on Ameren Missouri. Even if Ameren Missouri’s actions were deemed imprudent, the Commission would be unable to assess a disallowance without evidence of harm on which to base any disallowance. Any potential harm from those actions may be litigated before the Commission in future cases, but cannot be assessed now.”

29. MISO Zone 5 consists only of the Local Balancing Authorities “AMMO” (Ameren) and “CWLD” (Columbia Water and Light Department).

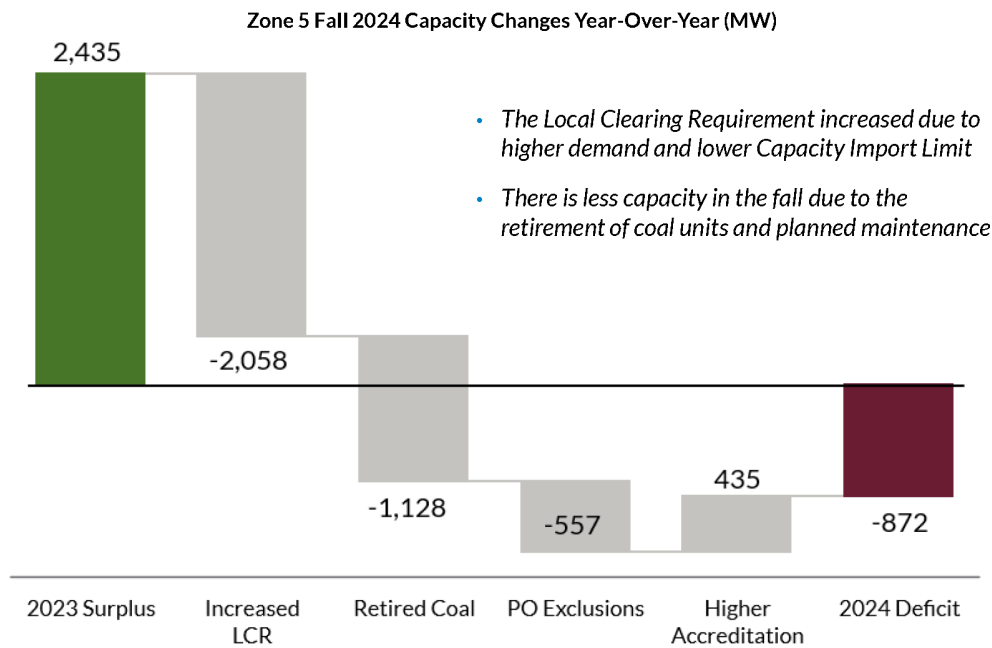
30. CWLD (Columbia Water and Light Department) did not retire any coal generation in Zone 5 during the times relevant to this Complaint.

31. Only Ameren retired coal generation in Zone 5 during the times relevant to this Complaint.

32. In the PRA for the 2024/2025 Planning Year, MISO Zone 5 had capacity shortages in the Fall Season (September 1, 2024 to November 30, 2024) of 872.4 MW.

33. As shown in the following chart, MISO has determined that but for the “retired coal” in Zone 5 during the times relevant to this Complaint there would not have been a capacity shortage in Zone 5 for the Fall 2024 Season:

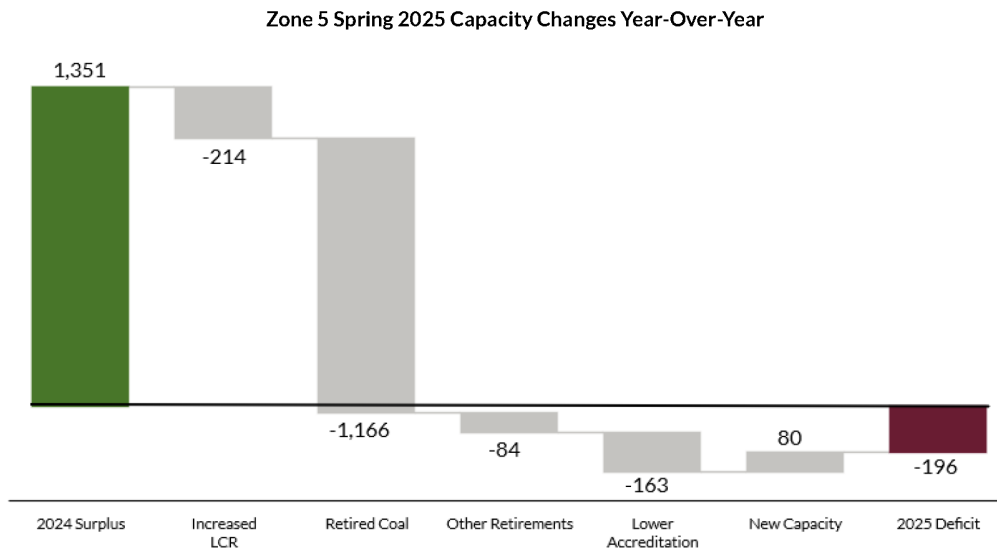
A combination of higher Local Clearing Requirement and reduced capacity contributed to Zone 5 deficiency in the fall



34. In the PRA for the 2024/2025 Planning Year, MISO Zone 5 had capacity shortages in the Spring Season (March 1, 2025 to May 31, 2025) of 196.4 MW.

35. As shown in the following chart, MISO has determined that but for the “retired coal” in Zone 5 during the time relevant to this Complaint there would not have been a capacity shortage in Zone 5 for the Spring 2025 Season:

A combination of higher Local Clearing Requirement and reduced capacity contributed to Zone 5 deficiency in the spring



36. As a result of the capacity shortages in the MISO Zone 5 Fall and Spring Seasons, the Zone 5 clearing prices were \$719.81/MW-Day in both Seasons.

37. The clearing price for all other MISO Zones was \$15.00/MW-Day in the Fall Season and \$34.10/MW-Day in the Spring Season.

38. If Rush Island had been retired on December 1, 2024 instead of on October 15, 2024, there would not have been any capacity shortage in MISO Zone 5 for the Fall Season.

39. If Rush Island had been retired on June 1, 2025 instead of on October 15, 2024, there would not have been any capacity shortage in MISO Zone 5 for the Spring Season.

40. If Rush Island had not been retired on October 15, 2024, the Zone 5 clearing prices for the Fall and Spring would have been the same as the clearing prices for all other MISO North/Central Subregion Zones and slightly lower than the actual clearing prices for those zones. Specifically, the Fall 2024 clearing price for all MISO North/Central Subregion Zones, including Zone 5, would have been \$9.95/MW-Day and the Spring 2025 clearing price for all MISO North/Central Subregion Zones, including Zone 5, would have been \$31.18/MW-Day.

41. The MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons aggrieved Fulton by causing damages in the amount of \$575,969.

42. The MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons aggrieved Hannibal Board of Public Works by causing damages in the amount of \$3,643,250.

43. The MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons aggrieved Kirkwood Electric by causing damages in the amount of \$4,677,814.

44. The MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons aggrieved Marceline by causing damages in the amount of \$174,446.

45. The MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons aggrieved New Madrid by causing damages in the amount of \$986,237.

46. As a result of the MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons, Missouri Public Power has incurred the costs, expenses and fees of this

litigation, including interest, statutory, punitive and/or exemplary damages as recoverable under applicable law, and will have to significantly raise their customers' electric rates, and/or deplete funds held in emergency reserve, and/or curtail services or maintenance and/or suffer the financial consequences of downgrading by bond credit rating entities.

47. The imminent threat of costs, expenses, fees, interest, statutory, punitive and/or exemplary damages, increased rates, depleted emergency reserves, curtailed services or maintenance and downgrading by bond credit rating entities will cause collateral negative consequences for thousands of Missouri electric customers.

48. Missouri Public Power alleges herein its damages as evidence that it has been aggrieved by Ameren's violation of its Tariff, the Commission's Order in Case No. 17,139 (effective June 2, 1971) and the Commission's R&O Case No. EF-2024-0021. Missouri Public Power does not request this Commission to award damages because Missouri Public Power understands that such would exceed the Commission's jurisdiction. However, Missouri Public Power expressly reserves all rights, remedies and claims.

MOTION FOR EXPEDITED TREATMENT

Missouri Public Power moves this Commission for expedited treatment to resolve this Complaint by June 30, 2026 to prevent the collateral negative consequences of increased rates, depleted emergency reserves, curtailed services or maintenance and downgrading by bond credit rating entities. Missouri Public Power further moves this Commission to enter an Order by January 5, 2026 prohibiting Ameren from taking any retaliatory measure, including but not limited to termination of service or of any current or pending agreement or ongoing negotiations with

Missouri Public Power. Missouri Public Power's Complaint and Motion and the relief requested herein was filed as soon as it could have been and are thus in the public interest within the meaning of RSMo §386.390 and 20 CSR 4240-2.080(14)

Expedited action by the Commission is needed to bring resolution to an issue that affects Missouri Public Power and its thousands of Missouri electric customers.

WHEREFORE, Missouri Public Power respectfully requests the Commission to:

- (1) issue its Order by January 5, 2026 prohibiting Ameren from taking any retaliatory measure, including but not limited to termination of service or of any current or pending agreement or ongoing negotiations with Missouri Public Power; and
- (2) setting an appropriately abbreviated intervention period; and
- (3) requiring Ameren to preserve all evidence related to this matter; and
- (4) review Missouri Public Power's and Ameren's expedited filings and Staff's expedited investigation and recommendations;
- (5) issue its Order by June 30, 2026 finding Ameren to have violated its tariff by supplying service to customers without having obtained all necessary permits from the governmental and regulatory authorities having jurisdiction; and
- (6) finding Ameren to have violated the Commission's May 21, 1971 Order by failing to comply with applicable air quality control standards of the State of Missouri and/or the Government of the United States;
- (7) finding Ameren's retirement of Rush Island on October 15, 2024 to have caused the MISO Zone 5 capacity shortages and clearing prices for the Fall and Spring Seasons in the PRA for the 2024/2025 Planning Year; and
- (8) finding Ameren's retirement of Rush Island on October 15, 2024 to have aggrieved Missouri Public Power by causing the damages sustained by the City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, the City of Marcelline and the City of New Madrid; and

- (9) ordering such other relief to Missouri Public Power that the Commission deems just and necessary.

December 23, 2025

Respectfully submitted,

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