

**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)
Authorization to Convey to and Lease Back from)
Pike County, Missouri, Certain Real Property)
and Improvements and to Execute and Perform)
the Necessary Agreements Under Section 100.010)
Through 100.200 RSMo, for the Purpose of)
Constructing Applicant's Electric Generating)
Facility in Pike County, Missouri)

Case No. EF-2026-0068

STAFF'S REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and makes the following Report and Recommendation to the Commission:

1. On November 26, 2025,¹ Union Electric Company d/b/a Ameren Missouri filed the application described in the caption ("Application"). It requested leave to convey and lease back property pursuant to Chapter 100, RSMo, in support of the construction of an electric generating facility in Pike County, Missouri.

2. On December 11, the Commission issued its Order requiring a Staff Recommendation no later than January 21, 2026.

3. Section 393.190.1, RSMo, states:

No gas corporation, electrical corporation, water corporation or sewer corporation shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or consolidate such works or system, or franchises, or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing same shall be void.

¹ All date references will be to 2025 unless otherwise indicated.

4. In determining whether a transfer should be approved, the Commission determines whether the transfer is detrimental to the public interest.² The “not detrimental” standard was announced in *State ex rel. City of St. Louis v. Pub. Serv. Comm’n*, 335 Mo. 448, 73 S.W.2d 393, 400 (Mo. banc 1934). The basic rule is that the property owner “should be allowed to sell property unless doing so ‘would be detrimental to the public.’”³ The Missouri Supreme Court has indicated “that it is not the province of the Commission ‘to insist that the public shall be benefited, as a condition to change of ownership, but [the Commission’s] duty is to see that no such change shall be made as would work to the public detriment.’”⁴

5. Staff has fully investigated the Application. Staff’s Memorandum describing its investigation, findings, conclusions, and recommendations fully and in detail is attached hereto and incorporated by reference as **Appendix A**. Staff has concluded that that granting the application will not be detrimental to the public interest and recommends granting the application subject to the following conditions:

- a. That nothing in the Commission’s order shall be considered a finding by the Commission of the value of this transaction for rate making purposes, and that the Commission reserves the right to consider the rate making treatment to be afforded the financing transaction and its impact on cost of capital, in any later rate proceeding;

² *Osage Utility Operating Company, Inc. v. Missouri Public Service Com’n*, 637 S.W.3d 78,92 (Mo. App. W.D. 2021)

³ *State ex rel. City of St. Louis v. Pub. Serv. Comm’n*, 335 Mo. 448, 73 S.W.2d 393, 400 (Mo. banc 1934).

⁴ *Osage Utility Operating Company, Inc. v. Missouri Public Service Com’n*, 637 S.W.3d 78, 93 (Mo. App. W.D. 2021), quoting *State ex rel. City of St. Louis v. Pub. Serv. Comm’n*, 335 Mo. 448, 73 S.W.2d 393 (Mo. banc 1934).

b. That Ameren Missouri shall continue to record the land and improvements that are the subject of this transaction as a regulatory asset on its books similar to other utility property it owns;

c. That Ameren Missouri shall record the investment described above in accordance with the Uniform System of Accounts as adopted by the Commission for record keeping purposes;

d. That Ameren Missouri shall depreciate the solar energy farm at the annual rate approved by the Commission in Case ER-2024-0319⁵ until such time the Commission orders different depreciation rates;

e. That Ameren Missouri shall seek and obtain Commission approval before it transfers any of the rights it holds pursuant to the lease where such rights are necessary or useful in the provision of regulated utility service, including the right to purchase the Bowling Green Project site at the end of the lease; and

f. That Ameren Missouri shall not sell its rights to the Bond Purchase Agreement acquired through its acquisition of the Bowling Green Project site without Commission approval.

WHEREFORE, Staff prays that the Commission will accept this Report and Recommendation as compliant with its Orders.

⁵ Case No. ER-2024-0319, Stipulation and Agreement, Exhibit E.

Respectfully submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on January 14, 2026 he filed the above captioned pleading in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham