

Exhibit No.:

Issue(s): Cause of Reform Solar Project/
Senate Bill 849/Tax Credits

Witness/Type of Exhibit: Seaver/Rebuttal

Sponsoring Party: Public Counsel

Case No.: EA-2025-0239

REBUTTAL TESTIMONY

OF

JORDAN SEAVER

Submitted on Behalf of the Office of the Public Counsel

**UNION ELECTRIC COMPANY
D/B/A AMEREN MISSOURI**

CASE NO. EA-2025-0239

January 23, 2026

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**REBUTTAL TESTIMONY
OF
JORDAN SEAVER**

Union Electric Company d/b/a Ameren Missouri

CASE No. EA-2025-0239

I. INTRODUCTION

Q. What is your name and what is your business address?

A. My name is Jordan Seaver, and my business address is 200 Madison Street, Governor Office Building, Suite 650, Jefferson City, MO 65102.

Q. By whom are you employed and in what capacity?

A. I am employed by the Office of Public Counsel (“OPC”) as a Policy Analyst.

Q. Have you previously testified before the Missouri Public Service Commission (“The Commission”)?

A. Yes, I have previously testified before the Missouri Public Service Commission. See Schedule JS-R-1 for my past pre-filed testimony and memoranda.

Q. What are your work and educational backgrounds?

A. I have been employed as a Policy Analyst by OPC since January 2022. I have attended Michigan State University’s Institute of Public Utilities (“IPU”) Accounting and Ratemaking Course, as well as the National Association of Regulatory Utility Commissioners (“NARUC”) Rate School. I previously worked as a Legal Assistant for Cascino Vaughan Law Offices for 7 years. I have a Master of Arts in Philosophy from the University of Wyoming, and a Bachelor of Arts in Philosophy from the University of Illinois at Chicago.

Q. What is the purpose of your Rebuttal testimony?

A. The purpose of this testimony is to respond to the direct testimony of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or the “Company”) witnesses Mr. Ajay Arora, Mr. Matt Michels, and Mr. Steven Wills. I discuss the cause of the Reform Solar Project and its eligibility for

1 investment and production tax credits since passage of the One Big Beautiful
2 Bill Act (“OBBA”).

3 **II. CAUSE OF REFORM SOLAR PROJECT**

4 **Q. What is the Company’s primary position in filed testimony in this case
5 about its need for additional energy and the rationale for this CCN?**

6 A. Company Witness Mr. Ajay Arora lays out the broad overview of the need for
7 the Reform Solar Project and the change in the IRP. He also discusses how the
8 Reform Solar Project will affect Missouri economically in relation to the
9 expected large load customers. As I hope to illustrate, his entire position is
10 dependent on the fact that the Reform Solar Project is being constructed for
11 the expected large load customers. Mr. Arora states in his direct testimony
12 that the Company “expects to fall short of the energy required to serve its
13 customers as early as 2027.”¹ He goes on to state that the driver for this energy
14 need is “Primarily load growth in its service territory”². Explaining the cause
15 of the shortage, he says “This shortage of energy is especially acute due to the
16 expectation that we will, in just the next few years, add 500 megawatts (“MW”)
17 or more of load from new large load customers even before the Reform Solar
18 Project is in service, and within just the next few years up to another 1.5 GW
19 gigawatts [*sic.*] of new load, and possibly more.”³ Mr. Arora, in response to the
20 question “What is driving this load growth?”, answers that “Specifically, the
21 Company has already executed construction agreements for completion of the
22 transmission-level infrastructure necessary to serve approximately 2.3 GW of
23 new large load customer demand within its service territory...Moreover,
24 several of the parties that have executed construction agreements have already
25 requested that we study adding an additional 1.6 GW of demand to the already

¹ Ajay Arora, Direct Testimony, Case No. EA-2025-0239, p. 6.

² *Ibid.*

³ *Ibid.*, pp. 3-4.

1 anticipated 2.3 GW⁴. This 2.3 GW, as a reminder, is all from large load
2 customers. He goes on to say that the Company has received even more
3 requests for transmission studies for a total of approximately 11 GW from
4 other large load customers, which would make the running total 15 GW.
5 Further, Mr. Arora states that there is “a significant pipeline of additional
6 potential large load customer additions”⁵ over and above the 15 GW total he
7 discusses. In the next sentence, he emphasizes “that even if only 5% of this
8 load does not materialize, we need additional and timely dispatchable and
9 renewable generation to provide the energy to serve it.”⁶

10 While discussing economic impacts, Mr. Arora states that “approval of the
11 Reform Solar Project will confirm for prospective large load customers that the
12 state is supporting Ameren Missouri’s obligation to serve its customers...which
13 will position Ameren Missouri well in the national competition to attract large
14 load customers to our service territory.”⁷

15 Company witness Mr. Matt Michels discusses in depth the details of the
16 change in the IRP and the 2025 Preferred Resource Plan (“PRP”), and therefore
17 the cause of the need for new generation, specifically the Reform Solar Project.
18 His discussion and analysis is solely of the details regarding the expected large
19 load customer demand. Mr. Michels states in his direct testimony that “The
20 addition of increased demand from LLCs [(large load customers)], who also
21 place a high value on the role of lower emitting resources, means more energy
22 generation is needed to serve rising customer energy needs in addition to
23 meeting their needs during times of peak demand.”⁸ Explaining how the
24 Company arrived at its new Preferred Resource Plan (“PRP”), which is the
25 impetus for the buildout that includes the Reform Solar Project and more

⁴ *Ibid.*, p. 7.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*, p. 5.

⁸ Matt Michels, Direct Testimony, Case No. EA-2025-0239, p. 11.

1 planned facilities, Mr. Michels says “Ameren Missouri evaluated a range of
2 potential outcomes, or cases, for new large loads, determined for each case the
3 need for acceleration and addition of resources relative to its 2023 PRP to meet
4 load and MISO planning reserve margin (“PRM”) requirements, and selected
5 the plan that 1) best represents expectations at the time the 2025 PRP was
6 adopted of future large load additions, 2) provides some flexibility in the near
7 term regarding further large load additions, and 3) ensures that the Company
8 maintains both short-term and long-term resource flexibility to address
9 various risks to its portfolio and to facilitate compliance with”⁹ Missouri Senate
10 Bill 4 (“SB 4”). Mr. Michels spends a lot of time discussing the large load cases
11 that were evaluated for the new PRP and that case 4, which assumes 1,500
12 MW of large load customer annual peak demand by 2032 and 2,500 MW of
13 large load customer annual peak demand by 2040. He also states that there is
14 the possibility that there will be higher annual peak demand from large load
15 customers than what they have assumed for the PRP.

16 Company witness Mr. Steven Wills discusses how, from the Company’s
17 perspective, the Reform Solar Project meets the Tartan Criteria. In doing so,
18 he argues that the Reform Solar Project is necessary because the increase in
19 load from the expected large load customers will require that the Company
20 build more wind or solar to be compliant with the Renewable Energy Standard
21 (“RES”). Mr. Wills states in his direct testimony that “Growth in demand
22 expected from large load customers, such as data centers and other advanced
23 manufacturing customers that are seeking, or may seek in the near future,
24 retail electric service from the Company, is making the Company’s prospective
25 need for energy resources increasingly acute and urgent.”¹⁰ He goes on to say
26 that the Company **must** build the Reform Solar Project because “one of two
27 things happening will be a virtual certainty. Either, 1) the Company will need

⁹ *Ibid.*, p. 8.

¹⁰ Steven Wills, Direct Testimony, Case No. EA-2025-0239, p. 4.

1 renewable resources like the Reform Project to provide the renewable energy
2 to meet the demand of large load customers through our programs” or “2) the
3 large load customer load that does not enroll in programs sufficient to trigger
4 the variance will result in a need for additional renewable energy for RES
5 compliance.”¹¹ In the next sentence he states even more plainly: “Either way,
6 the Reform Project will be needed to satisfy renewable legal requirements or
7 contractual commitments to large load customers that pay for the renewable
8 energy attributes”¹².

9 Thus, the Reform Solar Project is necessarily a result of the expected large load
10 customers.

11 **Q. Do any of the Company’s witnesses state reasons besides the expected
12 large load customers as causes of the Reform Solar Project?**

13 A. Yes. Each of the above witnesses briefly, and usually as an aside to discussing
14 expected large load customers, mentions that existing customers’ load will also
15 be met with the Reform Solar Project. However, none of the witnesses has
16 provided any support to show that the future load of existing customers will
17 increase by any amount significant enough to warrant the construction, at this
18 time, of the Reform Solar Project.

19 **Q. Do you believe that the Reform Solar Project is being built solely to
20 serve expected large load customers?**

21 A. Yes. I believe this facility is being built solely to serve expected new load from
22 data centers and to supply the statutorily required percentage of renewable
23 generation as a result of the increased load from expected large load customers.
24 The Reform Solar Project is not necessary for either energy or capacity for
25 current, existing customers. This can be seen by simply looking at the stated

¹¹ *Ibid.*, p. 5.

¹² *Ibid.*

1 reasons for the Reform Solar Project provided by the Company's own witnesses,
2 which I have shown above.

3 **Q. Based on your above responses to Company testimony, what is your
4 proposal?**

5 A. It is my position that Ameren Missouri should acknowledge that all of the costs
6 of the Reform Solar Project are being caused by expected new load from large
7 load customers, and that the costs will therefore be borne entirely by said
8 customers. If the Company declares that costs of the Reform Solar Project will
9 be socialized to all customers, then the OPC position is that the Commission
10 should deny the CCN under the Tartan factors. Finally, if the Company
11 refuses to address who will bear the costs of the Reform Solar Project, then the
12 OPC will likely not oppose the CCN but will take up the issue of cost recovery
13 in a future rate case.

14 **III. SENATE BILL NO. 849**

15 **Q. What is the content of the recently introduced Senate Bill No. 849 and
16 how may it impact the decision on the Reform Solar Project?**

17 A. Senate Bill No. 849 is "An Act to amend chapter 393, RSMo, by adding thereto
18 one new section relating to the moratorium on the construction of solar
19 projects, with an emergency clause." Upon passage of the bill, "there shall
20 immediately be a moratorium placed on the construction of any solar project
21 in the state, including but not limited to the issuance of permits for the
22 construction of solar projects in the state" (section A, subsection 2).
23 Furthermore, "For any solar project that is currently being constructed and for
24 which construction has not completed before the effective date of the act, all
25 construction of such solar project shall be suspended under the moratorium
26 under this section" (section A, subsection 3). The bill orders that the
27 moratorium on solar projects will end on December 31, 2027, only if the

1 Missouri Department of Natural Resources (“DNR”) promulgates “rules
2 relating to environmental issues concerning, but not limited to, the
3 construction, placement, and operation of a solar project” (section A, subsection
4 4).

5 **Q. If this bill were passed into law during this year, 2026, would the**
6 **Reform Solar Project be affected?**

7 A. Yes, the Reform Solar Project, upon passage of Senate Bill No. 849, would halt
8 any construction already undertaken (assuming that the CCN for the project
9 was granted). In the event that construction had not begun, it would not be
10 able to begin. The moratorium could end on December 31, 2027, or it could end
11 later than that date in the event that DNR did not promulgate rules on or
12 before December 31, 2027. In addition, the rules that would be promulgated
13 may still result in an effective moratorium on solar, or may result in projects
14 such as the Reform Solar Project being impossible to build. This bill, the
15 discussion of issues with renewables in Missouri, and the below-mentioned
16 hostility towards solar by the Trump administration all make granting this
17 CCN at this time a potentially hazardous decision economically for current
18 ratepayers, and even for the expected large load customers.

19 **Q. Do you have any proposals that relate to the potential passage of**
20 **Senate Bill No. 849?**

21 A. If the Commission grants Ameren Missouri’s requested CCN and Senate Bill
22 No. 849 is passed into law in a format similar to that as currently proposed, I
23 propose that the Commission order the Company to file in this docket, within
24 90 days of the moratorium taking effect, a plan of action regarding the Reform
25 Solar Project. This plan of action should also include, but is not limited to,
26 whether the Company intends to file a new CCN for the same project (post-

1 moratorium) or a different project, including a different type of generation.
2 The filing should include any and all known details of the new CCN filing.

3 **IV. TAX CREDITS**

4 **Q. Do you agree with the assessment of Company witness Mr. Scott
5 Wibbenmeyer that the Reform Solar Project will qualify for tax credits
6 still allowed for solar projects under the One Big Beautiful Bill Act
7 (“OBBA”)?**

8 A. I do not disagree outright, but I am unsure that the strategy that the Company
9 is employing will work given the passage of the OBBBA. Mr. Wibbenmeyer
10 states that “Ameren Missouri’s current expectation is that the Reform Project
11 will be eligible for the PTC [(production tax credit)] or 30% ITC [(investment
12 tax credit)], giving Ameren Missouri the choice of which credit to utilize. In
13 addition, we anticipate the project will qualify for additional bonus tax credits.”
14 The additional tax credits are a 10% energy community tax credit and a 10%
15 ITC for using domestic equipment. I agree that these tax credits are still
16 available to qualifying solar facilities that will begin service after December
17 31, 2027 and begin construction by July 4, 2026 (modifications made by the
18 OBBBA). I disagree that the Reform Solar Project is obviously or probably
19 eligible for said tax credits.

20 **Q. Why do you disagree that the Reform Solar Project is obviously or
21 probably eligible for these tax credits?**

22 A. Why I disagree has to do with the change in administration, the passage of the
23 OBBBA, and therefore with a potential change in the viability of old strategies
24 that worked before to secure that “physical work of a significant nature”¹³ had

¹³ See the IRS document “Part III – Administrative, Procedural, and Miscellaneous—Beginning of Construction Requirements for Purposes of the Termination of Clean Electricity Production Credits and Clean Electricity Investment Credits for Applicable Wind and Solar Facilities, Notice 2025-42, pp. 6-9, <https://www.irs.gov/pub/irs-drop/n-25-42.pdf>.

1 begun for a solar or wind facility. The IRS Physical Work Test (“PWT”) that is
2 used to determine the beginning of construction for a project for the purposes
3 of tax credits states that physical work of a significant nature can include on-
4 and off-site construction or fabrication. The on-site construction of a solar
5 facility includes “the installation of racks or other structures to affix
6 photovoltaic (PV) panels, collectors, or solar cells to a site.”¹⁴ The off-site
7 construction or fabrication of a solar facility includes the manufacture of
8 components, mounting equipment, support structures such as racks and rails,
9 inverters, and transformers and other power conditioning equipment.”¹⁵ Now,
10 a common strategy developed since 2020 to secure tax credits for solar and
11 wind facilities under the PWT was to have off-site fabrication of radiators
12 and/or conservator tanks fabricated for “custom” transformers under binding
13 contracts with third-party manufacturers.¹⁶ In a response to Staff Data
14 Request (“DR”) 0008, the Company states that “The Reform Solar Project
15 completed construction of the main step transformer conservator tank and
16 radiators on August 16, 2025.” Obviously, the Company is attempting to
17 employ this old strategy to show that physical work of a significant nature has
18 begun for Reform, and thus pass the PWT.

19 However, due to the spirit of the OBBBA, the hostility of the Trump
20 administration to solar projects¹⁷, the potential for a moratorium on solar

¹⁴ *Ibid.*, p. 8.

¹⁵ *Ibid.*, p. 7.

¹⁶ See Forrest Milder, “Ten Things to Remember about Begun Construction”,
<https://www.novoco.com/periodicals/articles/ten-things-remember-about-begun-construction>, Sidley
Austin LLP, “The Beginning of the End: IRS Guidance Issued on Beginning of Construction
Exception for Wind and Solar Tax Credit Repeal”,
<https://www.sidley.com/en/insights/newsupdates/2025/08/the-beginning-of-the-end-irs-guidance-issued-on-beginning-of-construction-exception-for-wind>, and Daniel T. Kiely, Michelle M. Jewett, et
al., “IRS Releases Updated OBBBA-Related Energy Credit Guidance”,
<https://www.mayerbrown.com/en/insights/publications/2025/08/irs-releases-updated-obbba-related-energy-credit-guidance>.

¹⁷ See Spencer Kimball, “Trump says U.S. will not approve solar or wind power projects”, CNBC,
August 20, 2025, <https://www.cnbc.com/2025/08/20/trump-says-us-will-not-approve-solar-or-wind-power-projects.html>, which quotes President Trump as saying “We will not approve wind or farmer
destroying Solar”. See also Ella Nilsen, “Trump administration quietly canceled the nation’s largest

1 facilities in Missouri, as well as the developments in understanding how to
2 meet load from the new type of data centers coming online¹⁸, I am not as
3 positive as the Company that the production or investment tax credits are, at
4 this time, eligible for the Reform Solar Project.

5 **Q. Given your uncertainty about the current eligibility of the Reform
6 Solar Project for tax credits, if the Commission grants the CCN for this
7 project, do you propose any conditions on this CCN?**

8 A. If the Commission grants Ameren Missouri's requested CCN, I suggest that it
9 include a condition that requires the Company to file in this docket (1) the
10 outcome of any and all reviews (by the IRS or any other entity) regarding the

solar project", CNN, October 14, 2025, <https://www.cnn.com/2025/10/14/climate/trump-solar-project-nevada-electricity>. See also Paul Gerke, "You know what else people don't like? Trump turns his sights to solar", Factor This, January 24, 2025, <https://www.renewableenergyworld.com/solar/you-know-what-else-people-dont-like-trump-turns-his-sights-to-solar/>. See also Tim McLaughlin, "Trump calls wind, solar bad for power grid. Texas shows otherwise", Reuters, July 10, 2025, <https://www.reuters.com/sustainability/boards-policy-regulation/trump-calls-wind-solar-bad-power-grid-texas-shows-otherwise-2025-07-10/>. See finally Benjamin J. Hulac, "Solar industry under strain in second Trump presidency", NJ Spotlight News, August 14, 2025, <https://www.njspotlightnews.org/2025/08/once-growing-solar-industry-under-strain-facing-trump-and-republican-hostility/>, with the subheadline, "Hostility from the president and GOP adds to uncertainty for a once-surging sector".

¹⁸ I am referring here to the difference in load shape and in ramping behavior between "traditional" data centers and the new data centers being used for AI LLMs and related services. In short, data center load being used to support AI has an erratic load shape, can ramp up from low to incredibly high in a very short period and can have sharp increases and decreases in frequency over a long period. These load shape characteristics put a strain on renewables in particular due to the fact that they are not dispatchable to meet the load (and problems have even been discovered with using battery energy storage systems to serve the load from AI-supporting data centers). Thus, a solar facility may not be the best choice, even with attached battery energy storage, for serving the type of customer that the Company is building the Reform Solar Project to serve. For reference, see Kyung-Bin Kwon, et al., "Operational Risks in Grid Integration of Large Data Center Loads: Characteristics, Stability Assessments, and Sensitivity Studies", October 6, 2025, p. 1, <https://arxiv.org/pdf/2510.05437v1.pdf>, as well as Bo Yang and Zunlian Zhao, "Energy storage overcapacity can cause power system instability and blackouts, too", Nature, September 10, 2024, <https://www.nature.com/articles/d41586-024-02896-3>, and Joint NERC and WECC Staff Report, 2022 California Battery Energy Storage System Disturbances, September 2023, p. iv, https://www.nerc.com/globalassets/who-we-are/standing-committees/rstc/nerc_bess_disturbance_report_2023.pdf, and finally Lars Schernikau, "The Battery Storage Delusion: Utility-Scale Batteries Are No Silver Bullet", National Center For Energy Analytics, December 3, 2025, <https://energyanalytics.org/wp-content/uploads/2025/12/2025-11-NCEA-Grid-Storage-IssueBrief-Schernikau.pdf>.

1 applicability of any tax credits within 15 days of the completion of that review
2 and (2) a notice of what tax credits were or were not granted by the IRS, as
3 well as an indication of which tax credits Ameren Missouri elected to utilize
4 within 30 days of the filing/completion of any document in which such an
5 election is made.

6 **Q. Does this conclude your testimony?**

7 A. Yes.

**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) Case No. EA-2025-0239
and Approval and Certificates of Convenience)
and Necessity Authorizing it to Construct)
Renewable Generation Facilities)

AFFIDAVIT OF JORDAN SEAVER

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

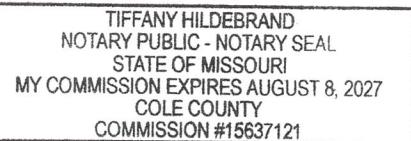
Jordan Seaver, of lawful age and being first duly sworn, deposes and states:

1. My name is Jordan Seaver. I am a Policy Analyst for the Office of the Public Counsel.
2. Attached hereto and made a part hereof for all purposes is my rebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.



Jordan Seaver
Policy Analyst

Subscribed and sworn to me this 22nd day of January 2026.



My Commission expires August 8, 2027.



Tiffany Hildebrand
Notary Public