

## Memorandum

To: The Missouri Public Service Commission and parties to  
Case No. EA-2025-0239

From: Geoff Marke, Chief Economist and Jordan Seaver, Policy Analyst  
Missouri Office of the Public Counsel

Date: March 23, 2026

RE: The Commission's Tartan Criteria: Need

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We are filing these comments with the Missouri Public Service Commission (the "Commission") to help articulate why the Office of the Public Counsel (the "OPC") is not a signatory to but also not opposing the Non-Unanimous Stipulation and Agreement filed in this matter. Unique to this case, all parties agree there is a need for the solar generation but there is not a uniform agreement on what exactly that "need" is. At the fear of oversimplifying the position of each party to this case, a rough approximation of the primary (or only) stated "need" used to meet the Commission's Tartan Criteria as described by each party in its pre-filed testimony is as follows:

- Renew Missouri: We **need** more renewable generation (for x, y, z reasons...).
- MO Commission Staff: Ameren Missouri **needs** renewable energy credits ("RECs").
- MO OPC: Data centers **need** generation now and want renewables.
- Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"): We **need** it for all those reasons (and more).

Though we are not attorneys, it is our understanding that certificates of convenience and necessity dockets are not prudence reviews. Ameren Missouri also did not request a predetermination of prudence for this project. However, at the risk of being accused of hindsight bias we would like to briefly articulate why we do not support the other parties' arguments for need, express our (non-exhaustive) concerns, and the implications they may have in a future rate case.

**Response to Renew MO.**: We may need more renewable generation but not at this cost and under these financially constrained circumstances unless it is paid solely by the data centers who need it.

**Response to PSC Staff:** We may need more RECs but buying RECs on the market will almost assuredly be much cheaper as solar generation is flooding the generation interconnection queues in both the Midcontinent Independent System Operator ("MISO") and Southwest Power Pool ("SPP") wholesale markets.

**Response to Ameren Missouri:** The **only reason** we need to purchase excess solar generation at this moment in time and under these cost constraints is to meet the need for data center load

renewable generation demand. Absent a firm commitment for participating data centers to put up the funds to cover the entire costs of the project, we do not believe it is prudent for Ameren Missouri to move forwards with this project.

Recent comments made by Ameren Missouri and quoted in a February 19<sup>th</sup> news article on *STLPR* give us serious concern that Ameren Missouri has every intention to socialize both costs and risk for future generation investment onto existing ratepayers. The article titled: “Ameren says Armory data center wouldn’t raise electric bills in St. Louis” states:

Alderwoman Anne Schweitzer asked Ameren officials to clarify what costs are absorbed by all Ameren consumers. Owners of large-load facilities must pay all costs associated with connecting to Ameren’s power grid, said James O’Mara, Ameren Missouri’s manager of economic development.

But when pressed, O’Mara clarified that all Ameren customers, including residential customers, pay for expanding the grid through building new power plants through rate increases, and that may be needed to accommodate large-load customers.<sup>1</sup>

We adamantly disagree with Mr. O’Mara’s perspective. Data centers have already raised the cost of service for electric utilities through socialized transmission costs, volatile wholesale markets, and increased costs for generation, transmission, and distribution investments driven by unprecedented demand. Not directly assigning and collecting costs from data centers for generation they alone need and want will raise electric bills in St. Louis and for the rest of Ameren Missouri’s service territory.

We do not believe Missouri lawmakers intended ratepayers to foot the bill nor bear the associated risks of data centers when they drafted the ratepayer protections found in § 393.130(7), RSMo. Furthermore, the federal government has been explicit in its intent for existing ratepayers to be held harmless from the costs associated with the data center buildout. President Donald Trump’s recently announced Ratepayer Protection Pledge was put forward to help ensure that very fact. He introduced the pledge as follows:

Today, we follow through on an announcement I made in my State of the Union address last week as America’s largest tech companies officially signed the ratepayer protection pledge. It’s a big deal. I’m going to have a tremendous impact on electricity costs. We’re bringing down all of the costs ...

Under this new agreement, Big Tech companies are committing to fully cover the costs of increased electricity production required for AI data centers and that would be prices for American communities will not go up, but in many cases will actually come down very

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<sup>1</sup> Grawitch, K. (2026) Ameren says Armory data center wouldn’t raise electric bills in St. Louis. *STLPR*. <https://www.stlpr.org/health-science-environment/2026-02-19/ameren-armory-data-center-electric-bills-st-louis>

substantially because you know the data centers and you people are so big, you're the – the biggest in the world.

But they've developed a little bit of a bad public – they have – they need some PR help because people think that if a data center goes in there, electricity prices are going to go up. And that's not happening. It's not going to happen. And for the areas where it did happen, it won't happen anymore because they never had this alternative.

It's actually going to mean the prices come down, you're going to see how badly they want, some, some centers were rejected by communities for that. And now I think it's going to be just the opposite. This means that the tech companies and the data centers will be able to get the electricity they need all without driving up electricity costs for consumers.

This is a historic win for countless American families and will also make our electricity grid stronger and more resilient than ever before. So that's part of it. It's going to be strengthened up and they're going to be getting a lot of excess electricity from the data centers where they build their own plants.<sup>2</sup>

Finally, we would point to the increasing cost of service. It has been less than one year since the Commission approved a 12.5% rate increase for Ameren Missouri. We fear that future cost recovery requests will make that number look small in the face of the more than \$20 billion in planned capital expenditures (“CAPEX”) over the next five years per the Company's most recently filed plant in service accounting (“PISA”) plan. These numbers are almost assuredly understated as they predate the recent oil shock from the conflict in the Middle East which will necessarily act like a tax on the economy. Restated, when energy prices surge, households will spend more on fuel and utilities and less on everything else.

We do not believe it is reasonable for existing customers to foot the bill for solar generation they do not need, at an excess cost premium given the demand, and which will only receive an 8% default accreditation factor in the winter. This investment does not make sense unless you are building explicitly at the request and with the full financial support of a large data center who needs generation as quickly as possible and wants to pay a premium for less reliable but clean generation.

When Ameren requests to recover the costs of the Reform Solar project in rates, the OPC is hopeful the Commission will protect other customer classes from paying higher rates due to this project; either through the allocation of project costs to large load customers that need this additional generation, or through disallowances if there are no large load customers.

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<sup>2</sup> TRANSCRIPT: President Trump Delivers Remarks at an Energy Ratepayer Protection Roundtable. 3.4.26  
<https://www.democrats.senate.gov/newsroom/trump-transcripts/transcript-president-trump-delivers-remarks-at-an-energy-ratepayer-protection-roundtable-3426>