

**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 Convenience and Necessity )  
Authorizing it to Construct Renewable )  
Generation Facilities )

Case No. EA-2025-0239

**RESPONSE TO NON-UNANIMOUS STIPULATION AND AGREEMENT**

**COMES NOW** the Office of the Public Counsel (the “OPC”) and respectfully submits its Response to the Non-Unanimous Stipulation and Agreement filed by Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or the “Company”), the Staff of the Missouri Public Service Commission (“Staff” and “Commission,” respectively), and Renew Missouri Advocates d/b/a Renew Missouri (“Renew” and collectively with Ameren Missouri and Staff, the “Signatories”) on March 20, 2026 (the “Non-Unanimous Stipulation and Agreement”). In support, the OPC states:

1. In the Non-Unanimous Stipulation and Agreement the Signatories agreed that on the terms provided for in the Non-Unanimous Stipulation and Agreement, the Commission should grant Ameren Missouri a Certificate of Convenience and Necessity (“CCN”) under subsection 1 of Section 393.170 authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage the 250-megawatt AC (“MW”) Reform Solar Project. (Non-Unanimous Stip. & Agreement 2, Doc. 48). The OPC is not a signatory to the Non-Unanimous Stipulation and Agreement.
2. Commission Rule 20 CSR 4240-2.115(2)(B) grants parties seven (7) days from the filing of the nonunanimous stipulation and agreement to object.

3. The OPC was able to work with Ameren Missouri and Staff throughout the negotiations of the Non-Unanimous Stipulation and Agreement and, in part, because of agreements reached in those negotiations does not object to the Non-Unanimous Stipulation and Agreement. The OPC appreciates the effort all parties put into the settlement.
4. However, the OPC does not wish for this non-objection to be construed as agreement with the other parties' positions regarding the Commission's *Tartan* factors analysis,<sup>1</sup> especially the factor of need.
5. As explained in the attached memorandum, authored by the OPC's Dr. Geoff Marke and Mr. Jordan Seaver, the OPC believes that only a single specific need exists to build the Reform Solar Project now, namely that it will give Ameren Missouri additional capacity which it needs to serve the large load customers that the Company asserts intend to locate within its service territory in a short timeframe. (*See, e.g.,* Michels Direct Test. 3-4, Doc. 4 (stating that Ameren Missouri changed its Preferred Resource Plan in part because it "has seen a surge in interest from [large load customers] locating in Ameren Missouri's service territory and has signed construction agreements relating to over two gigawatts of new load.")). Therefore, although the OPC believes that the *Tartan* factor of need has been met, it does so with a narrow understanding of that determination.

---

<sup>1</sup> The OPC acknowledges that when determining whether it should issue a CCN the Commission typically confines its analysis to whether the project meets the five *Tartan* factors, which it has identified as: "(1) there must be a need for the service; (2) the applicant must be qualified to provide the proposed service; (3) the applicant must have the financial ability to provide the service; (4) the applicant's proposal must be economically feasible; and (5) the service must promote the public interest." *In re Appl. of Union Elec. Co. d/b/a Ameren Mo. for Permission & Approval & Certificates of Pub. Convenience & Necessity Authorizing it to Construct a New Generation Facility & Battery Energy Storage System, Order Approving Stip. & Agreement & Granting Certificates of Convenience and Necessity* 3-4, Mo. Pub. Serv. Comm'n, Case No. EA-2025-0238.

6. As explained throughout Dr. Marke and Mr. Seaver's Rebuttal Testimonies, Ameren Missouri proposes to construct the Reform Solar Project at a time when it is extremely costly to construct new generation<sup>2</sup> and when the possibility of tax credits to offset some of the cost remain far from certain.<sup>3</sup> Therefore, though the project may have other tangential benefits, the OPC sees the additional capacity needed to serve large load customers within a short timeframe as the only factor that justifies building the Reform Solar Project at this time.
7. The OPC further acknowledges that the Commission typically does not make cost allocation decisions in CCN cases and that Ameren Missouri specifically agreed in the Non-Unanimous Stipulation and Agreement that "cost allocation issues related to the Reform Solar Project will be addressed in a future rate case and all parties in such a case may support whatever cost allocations that a party believes is appropriate at that time." (Non-Unanimous Stip. & Agreement 5). As explained in Dr. Marke's Rebuttal Testimony and in the attached Memorandum, the OPC will likely argue in a future rate case when Ameren Missouri seeks recovery of the Reform Solar Project that the large load customers that created the need for the project bear the full cost of it.
8. To ensure that the record is clear regarding the OPC's non-objection to the Non-Unanimous Stipulation and Agreement regarding the construction of the Reform

---

<sup>2</sup> For instance, Dr. Marke explains that the costs associated with constructing new solar generation have increased rapidly. (Marke Rebuttal Test. 11, Doc. 35). As an example, "the estimated costs of this project have increased (as of August 2025) by more than 142% in two years according to Ameren Missouri witness Scott Wibbenmeyer." (*Id.* (citing Wibbenmeyer Direct Test. 9-10)).

<sup>3</sup> As Mr. Seaver points out the passage of the federal One Big Beautiful Bill Act calls into question the strategy that Ameren Missouri typically relies on to qualify its solar projects for federal tax credits. (Seaver Rebuttal Test. 8-11, Doc. 36).

Solar Project at this time and to ensure that all parties are aware of the possibility of OPC's argument in the future, the OPC files this response and attached memorandum.

WHEREFORE, the OPC respectfully requests that the Commission accept this Response and the attached memorandum.

Respectfully submitted,

/s/ Lindsay VanGerpen  
Lindsay VanGerpen (#71213)  
Senior Counsel  
Missouri Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
Telephone: (573) 751-5565  
Facsimile: (573) 751-5562  
E-mail: [Lindsay.VanGerpen@opc.mo.gov](mailto:Lindsay.VanGerpen@opc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing will be emailed to all counsel of record this 23rd day of March 2026.

/s/ Lindsay VanGerpen