

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 26th day of August, 2020.

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Request for a)
Variance Regarding its Renewable Energy)
Standard Compliance Report)

File No. EE-2020-0411

ORDER APPROVING APPLICATION FOR VARIANCE

Issue Date: August 26, 2020

Effective Date: September 25, 2020

Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed an application on June 23, 2020, seeking variance from portions of the Commission's rule governing renewable energy standard (RES) compliance plans and reports, 20 CSR 4240-20.100(8). Ameren Missouri filed its application after the Commission's Staff, upon review of Ameren Missouri's 2019 RES Compliance Report,¹ recommended that Ameren Missouri seek a waiver of the requirements of Commission Rule 20 CSR 4240-20.100(8)(A)1.I. Ameren Missouri also requests waiver of the 60-day notice requirement under Commission Rule 20 CSR 4240-4.017.

Missouri's Renewable Energy Standard statute authorizes the Commission to require electric utilities to file annual reports to document progress in meeting renewable energy standards.² The statute permits electric utilities to purchase electricity generated

¹ Ameren Missouri filed its 2019 RES Compliance Report on April 15, 2020, in File No. EO-2020-0328. Staff filed its report in that case on June 12, 2020, which it corrected with a *Notice of Correction* on June 19, 2020.

² Section 393.1030.2(3), RSMo (Cum. Supp. 2019).

from renewable energy resources.³ Ameren Missouri seeks variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I, which specifies information to be reported in a RES Compliance Report when an electric utility acquires energy or renewable energy credits or certificates (RECs) from a renewable energy resource not owned by the electric utility.⁴

Ameren Missouri's application also sought variance from the requirement of Commission Rule 20 CSR 4240-20.100(8)(A)1.J(III) to provide an "interconnection date" when an electric utility reports acquisition of electrical energy and/or RECs from a customer generator. However, Ameren Missouri withdrew that request on August 10, 2020, after Staff, on August 7, 2020, submitted a supplemental recommendation and advised variance is not necessary and should not be granted because Ameren Missouri provided adequate interconnection date information in its 2019 RES Compliance Report. With that portion of the request withdrawn without objection from any party, the Commission will take up Ameren Missouri's variance application in regard to 20 CSR 4240-20.100(8)(A)1.I.

Staff recommends that the Commission approve Ameren Missouri's request for variance of the provisions of 20 CSR 4240-20.100(8)(A)1.I.⁵ Staff reports that all of the information required by the rule that applies to Ameren Missouri's 2019 RES Compliance Report has either been reported directly by Ameren Missouri or is available to Staff through the North American Renewables Registry (NAR). NAR is the program the Commission designated to track and verify the trading of renewable energy credits.

³ Section 393.1030.1.

⁴ Commission Rule 20 CSR 4240-20.100(8)(A)1.I excludes transactions involving electrical energy or RECs purchased from "customer-generators," defined at 20 CSR 4240-20.100(1)(D). Commission Rule 20 CSR 4240-20.100(8)(A)1.J governs disclosures as to acquisitions from customer-generators.

⁵ Staff filed its recommendation on July 22, 2020. At the Commission's direction, Staff augmented its recommendation on August 7, 2020, to address 20 CSR 4240-20.100(8)(A)1.J(III). References to Staff's recommendation in this order refer generally to both filings, unless otherwise stated.

No response in opposition to Staff's recommendation has been received.⁶

Commission Rule 20 CSR 4240-20.100(11) allows the Commission to grant a variance, for good cause, from any provision of the rule requiring RES compliance plans and reports. The Commission has reviewed and considered Ameren Missouri's application and Staff's recommendation. The Commission finds that good cause exists to grant Ameren Missouri a variance based on a finding that some categories of information are not directly available to Ameren Missouri and the bulk of the information can be verified by Staff through the NAR.

As allowed by Section 393.1030, RSMo, Ameren Missouri purchases RECs from third parties. Commission Rule 20 CSR 4240-20.100(8)(A)1.I specifies disclosures regarding energy or RECs acquired from a renewable energy resource not owned by the electric utility, as follows:

- (I) Facility name, location (city, state), and owner;
- (II) That the energy was derived from an eligible renewable energy technology and that the renewable attributes of the energy have not been used to meet the requirements of any other local or state mandate;
- (III) The renewable energy technology utilized at the facility;
- (IV) The dates and amounts of all payments from the electric utility to the owner of the facility; and
- (V) All meter readings used for calculation of the payments referenced in part (IV) of this paragraph[.]

⁶ Commission Rule 20 CSR 4240-2.080(13) allows parties 10 days to respond to pleadings unless otherwise ordered by the Commission. No responses were filed to Staff's July 22, 2020 recommendation. Ameren Missouri responded to Staff's August 7, 2020 supplemental recommendation on August 10, 2020, by agreeing that it does not require variance from 20 CSR 4240-20.100(8)(A)1.J for its 2019 report but noting it may need such a variance in the future. In a second filing on August 10, 2020, Ameren Missouri withdrew its request for variance of 20 CSR 4240-20.100(8)(A)1.J.

Staff's recommendation advises that the information required by items (I), (II), and (III) of the rule are available via NAR. Staff reports the NAR listing reflects certification of renewable energy technology by the Missouri Department of Natural Resources and provides a serial number that allows the tracking of eligible credits to ensure credits are used only once. Staff's recommendation concludes items (IV) and (V) are "not directly applicable to Ameren Missouri" because Ameren Missouri purchased several months' worth of credits from brokers rather than facility owners. Staff advises the contract and payment information Ameren Missouri provided is analogous to the information sought by the rule. Similarly, Ameren Missouri cannot report meter readings but Staff states that monthly readings can be expected to correspond to reports available to the Commission via NAR.

Staff's recommendation includes its position that a variance granted by the Commission applies only to the specific reporting period in which variance is requested, unless otherwise specified in the Commission's order. Ameren Missouri's application does not expressly request variance to apply to future reports, nor did Ameren Missouri respond to Staff's assertion that a variance is limited to a specific proceeding unless the Commission orders otherwise. As no grounds have been stated in this case to allow the Commission to consider whether a variance granted in this case ought to apply to future reporting periods, the variance granted in this order applies only to Ameren Missouri's 2019 RES Compliance Report.

Finally, the Commission will grant Ameren Missouri's request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission finds good cause exists for waiver, based on Ameren Missouri's verified declaration that it had no

communication with the Office of the Commission regarding substantive issues in the application within 150 days before Ameren Missouri filed its application.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's application for variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I, as described above, is granted.
2. The variance granted by this order applies to Ameren Missouri's RES compliance report filed on April 15, 2020.
3. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived in this matter for good cause.
4. This order shall be effective on September 25, 2020.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Jacobs, Regulatory Law Judge