

**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 of a Certificate of Public Convenience and	)	<b><u>File No. EA-2016-0208</u></b>
Necessity Authorizing it to Offer a Pilot Distributed	)	
Solar Program and File Associated Tariff.	)	

**NOTICE OF AGREEMENT AND DISMISSAL OF APPEAL**

COME NOW the Office of the Public Counsel (“OPC” or “Public Counsel”) and Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), and hereby give notice that they have reached an agreement related to Ameren Missouri’s Solar Partnership Pilot (Case No. EA-2016-0208) and Public Counsel’s appeal (Western District Court of Appeals Case No. WD80542).

**AGREEMENT**

Ameren Missouri and Public Counsel have agreed to resolve Public Counsel’s appeal of Ameren Missouri Solar Partnership Pilot as follows:

- OPC will dismiss its appeal of the case with prejudice;
- Ameren Missouri will use the certificate issued in this docket only to complete one named project with a capital investment not to exceed \$2 million;<sup>1</sup>
- Ameren Missouri will not use the certificate issued in Case No. EA-2016-0208 as authorization for any additional Solar Partnership project;
- Ameren Missouri will file an application for a new certificate of convenience and necessity for each future Solar Partnership Pilot project, and will provide the specific location of the project prior to the Commission issuing an order reflecting its final decision.

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<sup>1</sup> Although the project specifics have been determined, the customer participating in this Solar Partnership project has not yet been publicly announced. Accordingly, that customer is not named in this notice.

DISMISSAL OF APPEAL

Because the foregoing agreement resolves the appeal, Public Counsel gives notice to inform the Commission of the dismissal. A copy of the dismissal to be filed in the Western District Court of Appeals is attached to this Notice.

Respectfully submitted:

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Tim Opitz  
Tim Opitz  
Deputy Public Counsel  
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UNION ELECTRIC COMPANY  
D/B/A AMEREN MISSOURI

By: /s/ Paula N. Johnson  
Paula N. Johnson  
Senior Corporate Counsel  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 30<sup>th</sup> day of May 2017:

**/s/ Tim Opitz**

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**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

In the Matter of the Application of Union	)	
Electric Company d/b/a Ameren Missouri	)	
For Permission and Approval of a	)	
Certificate of Public Convenience and	)	
Necessity Authorizing it to Offer a Pilot	)	
Distributed Solar Program and File	)	
Associated Tariff; Public Service Commission,	)	
	)	
Respondent.	)	Case No. WD80542
	)	
vs.	)	
	)	
Office of the Public Counsel,	)	
	)	
Appellant.	)	

**THE OFFICE OF THE PUBLIC COUNSEL’S DISMISSAL  
OF APPEAL PURSUANT TO RULE 84.09**

COMES NOW the Office of the Public Counsel (“Public Counsel”) and, pursuant to Mo. R. Civ. P. 84.09, hereby dismisses its appeal of the Missouri Public Service Commission’s (“Commission”) December 21, 2016 Report and Order in Commission Case No. EA-2016-0208. In this regard, Public Counsel states:

1. Appellant Public Counsel filed its Notice of Appeal with the Commission on March 2, 2017.
2. On March 8, 2017, this Court acknowledged receipt of the Notice of Appeal and assigned docket number WD80542.
3. Under Mo. R. Civ. P. 84.09, an appellant may dismiss its appeal at any time prior to submission of the cause in the appellate court.
4. The cause has not been submitted to the Court.
5. Public Counsel requests the Court to dismiss its appeal with prejudice.

WHEREFORE, Public Counsel respectfully requests that the Court grant Public Counsel's request to dismiss this appeal with prejudice.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Tim Opitz

Tim Opitz

Deputy Public Counsel

Missouri Bar No. 65082

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion has been served to the attorneys of record through the Court's electronic filing system this 30<sup>th</sup> day of May 2017.

/s/ Tim Opitz