

**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 a Certificate of Public Convenience and)
Necessity.)
File No. EA-2020-0371

APPLICATION

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company," "Ameren Missouri," or "Applicant"), pursuant to Section 393.170 RSMo, 20 CSR 4240-2.060, 20 CSR 4240-20.045,¹ and 20 CSR 4240-2.080(18) and hereby submits to the Missouri Public Service Commission ("Commission") its Application requesting a Certificate of Convenience and Necessity ("CCN") under subsection 1 of Section 393.170 RSMo, to construct, install, own, operate, maintain, and otherwise control and manage an electric generating asset and associated facilities. More specifically, the Company seeks a CCN under Section 393.170.1 RSMo, authorizing it to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset and all associated facilities to be constructed in Montgomery County, Missouri to serve as the second Program Resource for the Company's expanded Community Solar Program. See Commission File No. ET-2020-0022.

¹20 CSR 4240-20.045 (effective November 30, 2018), referred to as the "CCN Rule," describes the requirements for electric CCN applications, and sets out separate requirements for the different types of CCNs: service area certificates in subsection 4; operation of assets certificates in subsection 5; and construction certificates in subsection 6. While the CCN Rule has been held unlawful by a reviewing court, the CCN Rule is technically still in effect at the time of this filing as further review is pending. In re Matter of Amendment of Commission's Rule Regarding Applications for Certificates of Convenience and Necessity, 2019 WL 2651187 (Mo.App. W.D. June 28, 2019) (Transferred to Mo. Supreme Court). Accordingly, this Application describes its compliance with the CCN Rule currently in effect.

In support of this request, Applicant states as follows:

I. APPLICANT

1. Union Electric Company is a Missouri corporation doing business under the fictitious name of "Ameren Missouri," in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Ave., St. Louis, Missouri 63103. Applicant is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. A certified copy of Applicant's Articles of Incorporation (Case No. EA-87-105), and Applicant's Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (Case Nos. EN-2011-0069 and GN-2011-0070) are already on file with the Commission. Said documents are incorporated herein by reference and made a part hereof for all purposes. A Certificate of Corporate Good Standing for Applicant is attached as Schedule A.

2. Filings, notices, orders, and other correspondence and communications concerning this Application should be addressed to undersigned counsel and to:

Tom Byrne
Senior Director Regulatory Affairs
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, MO 63166-6149
314-554-2514
tbyrne@ameren.com

3. Ameren Missouri has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court that involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

4. Applicant has no overdue annual report or assessment fees.

5. A 60-day notice with respect to the authority sought was filed on May 14, 2020, and assigned the above-captioned file number.

II. COMMUNITY SOLAR PROGRAM AND ITS EXPANSION

6. In File No. EA-2016-0207, the Commission approved Ameren Missouri's Community Solar Pilot Program (the "Program") and associated tariff, and granted Ameren Missouri a CCN for its first Program Resource — the St. Louis Lambert International Airport solar generation facility ("Lambert Resource"). The Company believed, and was proven correct, that there was/is a portion of its customers who either cannot or do not wish to place solar panels on their homes or businesses, but still desire to support the development of renewable energy in the State of Missouri.

7. The Program launched in the fall of 2018, and was fully subscribed within just 55 days. A wait list of interested customers was created and continues to grow. Construction of the Program's one-megawatt Lambert Resource was completed in August 2019.

8. On November 25, 2019, Ameren Missouri filed an *Application for Approval to Expand Community Solar Pilot Program and Associated Tariff* seeking expansion of the Program. The Commission approved that proposed expansion of the Program in File No. EA-2016-0207 authorizing Ameren Missouri to add up to approximately six megawatts of Program subscriptions. Ameren Missouri noted however, that in order to expand the Program, Ameren Missouri would have to construct a new solar generation facility or facilities in addition to the Lambert Resource and correspondingly seek any necessary CCN or CCNs.

9. As explained in that application, expansion of the Program would not only further the Company's commitment to renewable energy generation and investment in the State of Missouri, but would also further the Company's commitment to its customers who want more renewable energy options. The Company explained that it needed the expanded Program and

tariff to be approved in order to begin transferring customers on the waitlist and otherwise obtain subscribers and develop new facilities' parameters.

10. On May 13, 2020, Ameren Missouri, the Commission's Staff, the Office of the Public Counsel, and Renew Missouri ("Signatories") filed a *Unanimous Stipulation and Agreement* ("Agreement") agreeing to expansion of the Program on specified terms and modifying various provisions of the First and Second Stipulations filed in File No. EA-2016-0207 to allow for such expansion. The *Agreement* approved by the Commission limited construction until Ameren Missouri had received customer subscriptions totaling 90% of planned capacity additions, promoted future Program resources taking advantage of economies of scale, and did not specify any size cap for the new Program resource(s)².

11. Via Order effective June 27, 2020, the Commission approved the *Agreement* and found the *Agreement* to be a reasonable resolution of the issues.

12. As explained in the direct testimony of Annemarie Nauert, Ameren Missouri immediately commenced active marketing of the Program expansion, and the customer response was again very positive. As of October 19, 2020, approximately ninety-three percent (93%) of the new Resource's planned capacity of 9,500 blocks has been subscribed. Some customers have been on the waitlist since 2018 (or two years already).

III. DESCRIPTION OF THE PROJECT

13. Applicant requests a certificate for a solar generating asset and associated facilities to be constructed, installed, owned, operated, maintained, and otherwise controlled and managed by Ameren Missouri, to enable the Company to fulfill its customers' requests for more

² File No. ET-2020-0022, Order Approving Stipulation and Agreement, effective June 27, 2020, and attached Unanimous Stipulation and Agreement, at para. 10.

renewable energy options and to further the Company's commitment to renewable energy generation and investment in the State of Missouri.

14. As explained in the direct testimony of Ameren Missouri witness Scott Wibbenmeyer, the Project will include a solar generating asset consisting of approximately 6.16 megawatts ("MW")³ alternating current ("AC") of single-axis, ground-mounted, tracking photovoltaic ("PV") panels and associated facilities in Montgomery County, Missouri.

15. In order to qualify for the 22% investment tax credit for the solar array, construction for all projects is anticipated to commence in April 2021⁴. Construction is anticipated to be completed and the Project is anticipated to be in operation by October 2021.

IV. REQUEST FOR CCN

16. Ameren Missouri seeks a CCN under subsection 1 of Section 393.170 RSMo, authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage the Project to be constructed in Montgomery County, Missouri to serve as the second Resource for the Company's expanded Community Solar Program.

A. CCN Factors evaluated by the Commission ("Tartan Factors")⁵

17. The Tartan Factors are as follows:

- a. Need for the Project;
- b. Economic Feasibility of the Project;
- c. Ability of the Applicant to Finance the Project;
- d. Qualifications of the Applicant to Construct the Project; and

³ 6.16 MWs equates to approximately 9,500 100-kilowatt-hour solar blocks.

⁴ The 22% investment tax credit is available only for projects commencing construction between January 1, 2021, and December 31, 2021, and placed into service before 2024. A 10% investment tax credit will be available for projects commencing construction after December 31, 2021, or placed into service after December 31, 2023.

⁵ While a project is not required as a matter of law to meet the "Tartan Factors," the Commission has traditionally analyzed CCN applications using those factors. See In Re Tartan Energy, GA-94-127, 3 Mo.P.S.C.3d 173, 177 (1994).

e. Whether the Project is in the Public Interest.

An affirmative finding on the first four factors generally leads to the conclusion that the final factor, public interest, is satisfied⁶.

18. Need Factor: The Company demonstrates need for the Project through Ms. Nauert's direct testimony. Ms. Nauert explains the high levels of satisfaction participants in the Program have shown in response to surveys, and the robust level of customer demand for an expanded Program and desire for a second resource to meet the demand. Indeed, as of October 19, 2020, over ninety-three percent (93%) of the Project's planned capacity has been subscribed.

19. Economic Feasibility Factor: The Company demonstrates the economic feasibility for the Project through Scott Wibbenmeyer's direct testimony. Mr. Wibbenmeyer explains that the Project is being built to support the voluntary customer program and is funded by the participants of the Program based upon the price of the solar blocks calculated per the Commission-approved unanimous stipulation in File No. ET-2020-0022 to expand the Program.

20. Finance Ability Factor: As explained in Mr. Wibbenmeyer's direct testimony, Ameren Missouri has the financial ability to construct the assets through the use of existing funds and indebtedness while maintaining strong financial metrics. Also, the cost estimates associated with this Project are relatively small in scale compared to some other construction projects that Ameren Missouri has successfully completed during the past few years.

21. Qualified to Construct Factor: As discussed in Mr. Wibbenmeyer's direct testimony, Ameren Missouri is qualified to construct the Project as it has experience owning generation of various types, including solar generation, and has used a competitive process to

⁶ *Id.* at 189 (citing *In re: Intercon Gas, Inc.*, 30 Mo. P.S.C. at 561).

solicit bids from potential contractors who have the experience and knowledge to construct the Project.

B. Compliance with 20 CSR 4240-20.045(6)

22. In compliance with 20 CSR 4240-20.045(6)(A), confidential Schedule B depicts the site of construction for the Project. As explained in Mr. Wibbenmeyer's direct testimony, there is potential for future expansion on the proposed site, but the sizing and timing for further phases is currently not known.

23. In compliance with 20 CSR 4240-20.045(6)(B), the list of regulated and non-regulated utilities, railroad tracks, and underground facilities the Project will cross is set out in Schedule C-1. Schedule C-2 provides a copy of the confidential ALTA survey.

24. In compliance with 20 CSR 4240-20.045(6)(C), confidential Project specifications can be found in Schedule D. The estimated total cost of the initial construction of the Project is approximately **_____**.

25. In compliance with 20 CSR 4240-20.045(6)(D), and explained above, the Company plans to begin construction of the Project in April 2021, and anticipates the Project to be fully operational by October 2021.

26. 20 CSR 4240-20.045(6)(E) is not applicable.

27. In compliance with 20 CSR 4240-20.045(6)(F), and as explained in Mr. Wibbenmeyer's direct testimony, the Company plans to finance the construction of the Project using existing funds and indebtedness.

28. In compliance with 20 CSR 4240-20.045(6)(G), and as explained in Schedule E, the Project is not inconsistent with Ameren Missouri's IRP Preferred Resource Plan and the Company's three-year Implementation Plan.

29. In compliance with 20 CSR 4240-20.045(6)(H), and as described in Mr. Wibbenmeyer's direct testimony, Ameren Missouri used a competitive bidding process to solicit bids from potential contractors who have experience and knowledge to construct the Project. Schedule F, which is confidential, also describes the plan used for competitive bidding.

30. In compliance with 20 CSR 4240-20.045(6)(I) & (J), Schedule G provides a confidential draft operating procedure for the Project, which includes restoration of service of the assets.

31. 20 CSR 4240-20.045(6)(K) is not applicable.

C. Timing

32. In order for the Company to meet customer demand as timely as practicable and flow back the full value of available investment tax credits for customers' benefit, the Company requests the Commission issue its order to be effective as soon as practicable and by no later than April 1, 2021.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue a final order as soon as practicable and by no later than April 1, 2021 granting a CCN under Section 393.170.1 RSMo, authorizing Ameren Missouri to construct, install, own, operate, maintain, and otherwise control and manage a solar generating asset and all associated facilities to be constructed in Montgomery County, Missouri to serve as the second Resource for the Company's expanded Community Solar Program. See File No. ET-2020-0022.

Respectfully submitted,

UNION ELECTRIC COMPANY
D/B/A AMEREN MISSOURI

/s/ Wendy K. Tatro _____

Wendy K. Tatro, #60261
Director & Assistant General Counsel
Jermaine Grubbs, #68970
Corporate Counsel

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

VERIFICATION

The undersigned, under the penalty of perjury, declares that the information contained in the *Application* is true and correct to the best of his knowledge and belief.

This request is substantially consistent with the Preferred Resource Plan specified in the most recent triennial compliance filing made by Ameren Missouri, 20 CSR 4240-22.080(18) and the Company's three-year Implementation Plan.

/s/ Warren Wood
Warren Wood, Vice-President
External Affairs & Communications
Union Electric Company d/b/a Ameren Missouri

28th day of October, 2020.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the public version of the foregoing Application has been e-mailed, this 28th day of October, 2020, to the Missouri Public Service Commission Staff, the Office of the Public Counsel, and Renew Missouri.

/s/ Jermaine Grubbs
Jermaine Grubbs

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

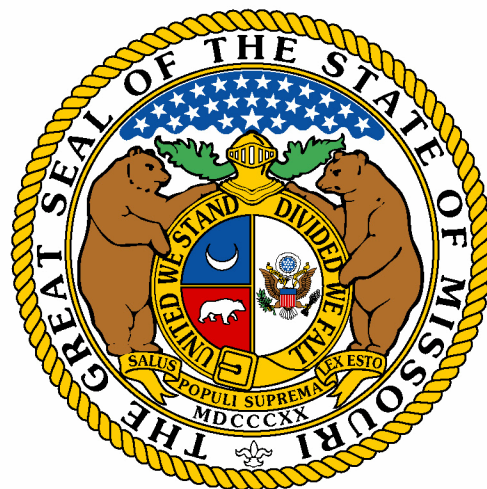
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

UNION ELECTRIC COMPANY
00040441

was created under the laws of this State on the 21st day of November, 1922, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 21st day of May, 2020.


Secretary of State



Certification Number: CERT-05212020-0075

**SCHEDULE B
IS CONFIDENTIAL
IN ITS ENTIRETY**

Schedule C-1

- The only utility this Project will be crossing is a fiber telecommunication line within the Booneslick road right of way, along the south side of the property. This Project will have an entrance driveway to the site that will cross over this line, but it is not expected to interfere with the line.
- Additional details of the surrounding utilities can be seen on the ALTA survey attached as Schedule C-2 to the Application.

**SCHEDULE C-2
IS CONFIDENTIAL
IN ITS ENTIRETY**

**SCHEDULE D- SPEC
IS CONFIDENTIAL
IN ITS ENTIRETY**

**SCHEDULE D
SPEC ADDENDUM
IS CONFIDENTIAL
IN ITS ENTIRETY**

Schedule E

The Community Solar Expansion Project is consistent with Ameren Missouri's 2020 IRP Preferred Resource Plan and the Company's three-year Implementation Plan. File No. EO-2021-0021. The Project is specifically discussed within Chapter 6 of the Company's 2020 IRP as one of the innovative renewable deployments Ameren Missouri is pursuing in an effort to deliver more renewable generation throughout its service territory and meet the growing needs of its customers. The Project is consistent with the overall transformation of the Company's generation portfolio to achieve net-zero CO₂ emissions by 2050.

**SCHEDULE F
IS CONFIDENTIAL
IN ITS ENTIRETY**

**SCHEDULE G
IS CONFIDENTIAL
IN ITS ENTIRETY**