

**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	)	File No. ET-2025-0184
for Approval of New or Modified Tariffs	)	
for Service to Large Load Customers.	)	

SUGGESTIONS IN SUPPORT OF REQUESTED VARIANCE¹

COMES NOW, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its suggestions supporting the variance from Commission Rule 20 CSR 4240-20.100(1)(W) (the “RES Rule”) requested in ¶¶ 14 and 15 of the Company’s Application (Exhibit 600) and supported by the Direct Testimony of Steven Wills (Exhibit 8) at p. 47, l. 13 to p. 51, l. 8, states a follows:

1. The Company seeks a RES Rule variance that is the same as a RES Rule variance previously granted by the Commission in File No. EO-2022-0061, which involved Evergy’s Schedule MKT tariff, which was adopted by Evergy, as the Company understands it, for potential application to customers like a Data Center before Senate Bill No. 4’s² enactment of Section 393.130.7, which now governs large load tariffs in Missouri.

2. Staff is opposed to the same variance in this case. Staff Rebuttal Report, pp. 67-69. At bottom, Staff is arguing that the RES Rule from which the Company seeks the variance is a codification of the RES statute itself and that the Commission cannot grant a variance from a statute. In substance, that is the same argument Staff made in File No. EO-2022-0061 when Staff

¹ Under the Amended Non-Unanimous Stipulation and Agreement (“Stipulation”) (Exhibit 601), the signatories agreed to submit the question of whether the requested variance should be approved via briefs. Given the resolution of the hearings in this case yesterday and the lack of a need for briefing this case, and under the Commission’s November 20, 2025 *Order Directing Responses to Ameren Missouri Variance Request*, any party wishing to address the request is to do so today.

² Adopted by the Missouri General Assembly in 2025, effective August 28, 2025.

opposed the Evergy variance. Staff articulated its argument in its Reply Brief in File No. EO-2022-0061:

The problem with the arguments of both Evergy and Velvet is that the Commission rule contains the same RES requirements as ... [the RES statute] ... and while the Commission can grant a variance from a rule, it cannot grant a variance from the statute.³

The Commission rejected the Staff's position in that case, as it should do here. In rejecting the Staff's position, the Commission stated as follows:

The MKT tariff does not have a requirement for a minimum renewable component. In the case of an MKT customer that does not use renewables, the MKT customer would not qualify to receive such a variance. Restricting the exclusion to apply only when an MKT customer meets or exceeds the minimum RES requirement that would have otherwise been applied to the MKT customer's load ensures that the purposes of the RES statute are still being met, even with a variance which excludes the counting of what would be EMW's largest customers. *The Commission finds that exclusion of the MKT customer's entire load from EMW's total retail electric sales when the MKT customer demonstrates it has retired, or had retired on its behalf, Renewable Energy Credits greater than or equal to the RES requirement that would have been applied to the MKT customer load is consistent with the goals and framework of the RES.* The Commission finds good cause to grant the variances as the attraction of high load factor customers because high load factor customers have a much more consistent load and would improve the load factor for EMW, *and that the granted variance is consistent with the goals of the RES to increase renewable generation and increase consumption of renewable energy.*⁴

3. The exact same things are true of the variance requested in this case. While the mechanism for a large load customer to "use renewables" may be different than it might be for an Evergy MKT customer – for an Ameren Missouri large load customer the customer will "use renewables" by subscribing to the Company's RSP-LLC Program with a subscription amount that covers at least 15% of its entire load⁵ -- such a subscription by an Ameren Missouri large load customer will do exactly what the Commission said it would do in the Evergy Schedule

³ Page 3.

⁴ *Amended Report and Order*, File No. EO-2022-0061, pp. 23-24 (emphasis added).

⁵ Which is one of the clean energy programs to be implemented under the s Stipulation (Exhibit No. 601).

MKT tariff case. Specifically, granting the variance to apply “[where the large load customer] ... meets or exceeds the minimum RES requirement that would have otherwise been applied to the ... [large load] ... customer’s load, . . . is consistent with the goals and framework of the RES.”

4. Mr. Wills explained why this is so by providing a practical example and explanation, as follows:

Imagine a customer with 1 million MWh of load in a year that has a 100% carbon free energy goal that it meets entirely through participation in Rider RSP-LLC.⁶ The customer has acquired 1 million MWh worth of RECs on its own. Now imagine that the Company separately produces the necessary RECs to meet its RES obligation related to that same load by virtue of its inclusion in the Company's total retail electric sales and the application of the RES portfolio requirement of 15%. In total, there would have been RECs retired, specific to that same 1 million MWh of load, equal to 1.15 million MWh, exceeding the load itself by the 15% of duplicative RECs.

Practically speaking, without this variance the Company would need to plan for and eventually produce or acquire *substantial* quantities (given the huge size of these prospective customer loads) of renewable energy to "green" load that may already be "green" through the customer's participation in Company programs, which the Company already will have developed renewable energy resources to support. This duplication of resources would raise costs for everyone. It is logical and efficient to recognize that the load of large customers that acquire RECs under one of our programs is already meeting the requirements of the RES, and that we should thus avoid the cost of overcompliance that would result if the Company duplicated some sub-set of the renewables already acquired by the customer. The simple and obvious solution is to exclude these customers' loads from the determination of total retail electric sales.

5. This is exactly why the Commission granted the variance to Evergy, to avoid the situation where the utility’s RES requirement is increased (requiring more renewable energy resources) even though these kinds of large loads are effectively utilizing green energy, via their subscriptions, well beyond the 15% RES requirement.

6. Under the Stipulation, if the variance is granted, the Company has agreed to

⁶ I.e., it is subscribing to RSP-LLC capacity equal to its entire load and thus is paying for RECs equal to that capacity, providing revenues that reduce rates for all customers.

provide proof of compliance as laid out in Section 393.1030.2. In other words, the energy producing the RECs subscribed to by the large load customer will meet requirements (a) – (c) of Section 393.1030.2(2) and the Company will provide proof that it does so.

7. The precise variance requested is, as noted earlier, described in the Application, points to the tariff language necessary to be included in the Large Load Customer Service tariff provisions of the Company's Service Classification 11(M) if the variance is granted. Application

¶15. That language is reproduced here:

Notwithstanding any provisions of Rider RESRAM to the contrary, a Large Load Customer shall not be subject to RESRAM charges if it participates in Rider RSP-LLC or any other voluntary rider offered by Company and thereby receives or is reasonably projected to receive renewable attributes supporting its load at a level that is greater than or equal to the then applicable "RES portfolio requirement" as defined in 20 CSR 4240-20.100(1)(R). For Large Load Customers with such participation agreements, the Large Load Customer's entire load that is supported with renewable attributes it receives or is reasonably projected to receive that are sufficient to cover the applicable "RES portfolio requirement" as defined in 20 CSR 4240-20.100(1)(R) will be subtracted from the calculation of "total retail electric sales" as defined in 20 CSR 4240-20.100(1)(W). RESRAM charges shall still apply to such a Large Load Customer to the extent the renewable attributes it receives or is reasonably projected to receive do not reach the then applicable "RES portfolio requirement". For purposes of this Section [___], "renewable attributes" means Renewable Energy Credits, as defined in 20 CSR 4240-20.100(1)(N), that the Large Load Customer has retired or had retired on its behalf through such programs. Large Load Customers participating in Rider RSP-LLC or other voluntary riders offered by Company for which renewable attributes are produced will be evaluated for this exemption annually or more frequently if a customer's participation to such program(s) changes.⁷

WHEREFORE, the Company requests that the Commission grant its requested variance from 20 CSR 4240-20.100(1)(W) and authorize it to include the language specified in ¶ 7 of these Suggestions in its compliance tariffs to be submitted herein.

⁷ The Stipulation contemplates addition of the necessary language should the variance be approved. See Stipulation ¶ 56.

Dated: 11/21/2025

Respectfully submitted,

/s/ **James B. Lowery**

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CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 21st day of November, 2025.

/s/ **James Lowery**
James Lowery