

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

STAFF’S BRIEF REGARDING AMEREN MISSOURI’S VARIANCE REQUEST

COMES NOW, the Staff of the Missouri Public Service Commission (“Staff”), and for its *Brief Regarding Ameren Missouri’s Variance Request* respectfully states as follows:

Introduction

On April 9, 2024, Governor Kehoe signed Senate Bill 4 into law. This legislation amended Section 393.130 at Section 393.130.7, RSMo., to require that each Missouri utility have tariff provisions applicable to customers who are reasonably projected to have above an annual peak demand of one hundred megawatts or more, that “reasonably ensure such customers’ rates will reflect the customers’ representative share of the costs incurred to serve the customers and prevent other customer classes’ rates from reflecting any unjust or unreasonable costs arising from service to such customers.”¹

On May 14, 2025, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed an application and supporting testimony requesting Commission approval of a Large Load Customer Rate Plan and associated tariffs, a variance, and authorization to track program revenues.

Ameren Missouri, Staff, Amazon Data Services, Inc., Evergy Metro, Inc., Evergy Missouri West, Inc., Google LLC, Renew Missouri, Missouri Industrial Energy

¹ MO. REV. STAT. § 393.130.7.

Consumers, and Sierra Club (collectively “Signatories”) filed an *Amended Non-Unanimous Stipulation and Agreement* (the “Stipulation and Agreement”) on November 20, 2025. Paragraph 50 of the Stipulation and Agreement states as follows:

50. If the Commission finds it appropriate to grant a variance from 20 CSR 4240-20.100 as described in the Direct Testimony of Company witness Steve Wills, the Signatories agree proof of compliance as contemplated by Senate Bill 4 (2025) and laid out in Section 393.1030.2 RSMo. shall be provided to the Commission.

Paragraph 56 of the Stipulation and Agreement provides as follows:

56. The exemplar tariff sheets attached to this Agreement as Exhibits A and B shall, upon approval of this Agreement if the agreement is unopposed, or otherwise if its terms are adopted by the Commission, be submitted as compliance tariff sheets. Notwithstanding the prior sentence, the Signatories agree that there is one question that needs to be submitted to the Commission for resolution (see Paragraph 50 hereof). Signatories further agree that the resolution of that question could require modifications to the exemplar tariff sheets attached to this Agreement as Exhibit A. Signatories agree that the question should be resolved by the Commission solely based upon briefing by interested Signatories, either according to the briefing schedule set by the existing procedural schedule or such other briefing schedule as may adopted by the Commission. If the Commission’s ruling on the question requires modifications to the tariff sheets attached hereto as Exhibit A, the Signatories will collaborate on making the required changes and the Company will submit the same as compliance tariffs.

On November 20, 2025, the Commission issued its *Order Directing Responses to Ameren Missouri Variance Request*, stating in part that an evidentiary hearing was held on November 20, 2025, and Ameren Missouri reminded the Regulatory Law Judge after the hearing adjourned of Ameren Missouri’s requested variance from the Renewable Energy Standard (“RES”) to exclude from the RES rule’s definition of “total retail electric sales” that portion of the large load customer’s 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” contained in

Commission Rule 20 CSR 4240-20.100(1)(R). The Commission ordered any party wishing to address the requested variance to file such argument or brief no later than November 21, 2025.

Argument

If the Commission grants the requested variance, the Commission should require proof of compliance as contemplated by Senate Bill 4 and laid out in Section 393.1030.2, RSMo.

Paragraph 50 of the Stipulation and Agreement states “[i]f the Commission finds it appropriate to grant a variance from 20 CSR 4240-20.100 as described in the Direct Testimony of Company witness Steve Wills, the Signatories agree proof of compliance as contemplated by Senate Bill 4 (2025) and laid out in Section 393.1030.2 RSMo. shall be provided to the Commission.” The variance request, as described in Ameren Missouri Witness Steven Wills’ testimony, states in part as follows:

The Company is requesting a variance from 20 CSR 4240-20.100, which requires that the RES portfolio requirement, which establishes a percentage of renewable energy that Missouri utilities must produce or procure, be applied to the total retail electric sales of the electric utility. Specifically, the variance requested proposes to exclude the load associated with large load customers that meet the exemption requirement from the total retail electric sales of the electric utility used to establish its RES obligation. Under this variance, the Company’s annual RES compliance and RES plan filings with the Commission would reflect this determination of total retail electric sales excluding sales made to qualifying large load customers.²

Mr. Wills’ testimony also states that without this variance, Ameren Missouri “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

² Direct Testimony of Steven M. Wills, page 47, line 19 - page 48, lines 4 (entered at Hearing as Exhibit 008).

Company already will have developed renewable energy resources to support. This duplication of resources would raise costs for everyone.”³ Mr. Wills’ testimony describes a similar variance approved for Evergy Missouri West associated with potential customers to be served under its MKT tariff, quoting the Second Amended Report and Order in File No. EO-2022-0061 as follows:

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.⁴

Section 393.1030, RSMo., captioned “Electric utilities, portfolio requirements -- tracking requirements -- rebate offers -- certification of electricity generated -- rulemaking authority”, contains at subsection 1 percentage requirements for electricity from renewable energy resources that shall constitute portions of the electric utility’s sales.⁵ Section 393.1030.2 states “[t]his subsection applies to electric utilities with more than two hundred fifty thousand but less than one million retail customers in Missouri as of the end of the calendar year 2024.”⁶ This provision further funnels or narrows down to discuss an “accelerated renewable buyer”⁷ and states that energy meeting the renewable energy

³ *Id.* at page 49, lines 4-9.

⁴ *Id.* at page 49, lines 16-23.

⁵ MO. REV. STAT. § 393.1030.1.

⁶ MO. REV. STAT. § 393.1030.2.

⁷ See MO. REV. STAT. § 393.1030.2(4) (“An ‘accelerated renewable buyer’ means a customer of an electric utility, with an aggregate load over eighty average megawatts, that enters into a contract or contracts to obtain: (a) renewable energy certificates from renewable energy resources as defined in section 393.1025; or (b) Energy and renewable energy certificates from solar or wind generation resources located within the Southwest Power Pool region and initially placed in commercial operation after January 1, 2020, including any contract with the electric utility for such generation resources that does not allocate to or recover from any other customer of the utility the cost of such resources.”).

portfolio requirement that is generated from renewable resources and contracted for by an accelerated renewable buyer must meet certain requirements, including:

(1) Energy meeting the renewable energy portfolio requirement that is generated from renewable resources and contracted for by an accelerated renewable buyer must have all associated renewable certificates retired by the accelerated renewable buyer or on their behalf.⁸ Additionally, the certificates cannot be used to meet the electric utility's portfolio requirements under subsection 1;⁹

(2) Energy meeting the renewable energy portfolio requirement that is generated from renewable resources and contracted for by an accelerated renewable buyer must be excluded from the total electric utility's sales used to determine the portfolio requirements,¹⁰ and be used to offset all or a portion of its electric load for purposes of determining compliance with the portfolio requirements;¹¹

(3) The accelerated renewable buyer is exempt from RES compliance costs as may be established by the utility and approved by the Commission, based on the amount of RECs retired under the section in proportion to the accelerated renewable buyer's total electric energy consumption, on an annual basis.¹² Under this prong, the utility must certify, and verify as necessary, to the Commission that the accelerated renewable buyer has satisfied the exemption requirements of the subsection each year, or an accelerated renewable buyer may choose to certify satisfaction of the exemption by reporting to the commission individually.¹³

⁸ MO. REV. STAT. § 393.1030.2(2)(a).

⁹ *Id.*

¹⁰ MO. REV. STAT. § 393.1030.2(2)(b).

¹¹ MO. REV. STAT. § 393.1030.2(2)(c).

¹² MO. REV. STAT. § 393.1030.2(3).

¹³ MO. REV. STAT. § 393.1030.2(5).

Staff noted the intent in the RES statute and rule to prevent a company's REC sales to customers from being applied to its RES requirements, and the apparent legislative intent to carve out certain electric utilities from the new requirements in Section 393.1030.2, in making a recommendation to deny the variance to exclude Large Load Customers' load that is supported with renewables it receives or is reasonably projected to receive that are sufficient to cover the applicable RES portfolio requirement, and in requesting to brief this issue. However, Staff also recognizes the potential impact to Ameren Missouri and a similar variance being granted for Evergy Missouri West associated with potential customers under its MKT tariff, and thus made its alternative recommendation. As such, as stated in Paragraph 50 of the Stipulation and Agreement, if the Commission finds it appropriate to grant the variance, Staff recommends the Commission require proof of compliance as contemplated by Senate Bill 4 and laid out in Section 393.1030.2. Pursuant to Paragraph 56 of the Stipulation and Agreement, "[i]f the Commission's ruling on the question requires modifications to the tariff sheets attached hereto as Exhibit A, the Signatories will collaborate on making the required changes and the Company will submit the same as compliance tariffs."

Conclusion

In summary, Staff recommends that if the Commission grants the requested variance, the Commission should receive proof of compliance as contemplated by Senate Bill 4 and laid out in Section 393.1030.2, RSMo., and as agreed to by the Signatories in Paragraph 50 of the Stipulation and Agreement.

WHEREFORE, Staff respectfully submits this *Brief Regarding Ameren Missouri's Variance Request* for the Commission's information and consideration.

Respectfully Submitted,

/s/ Alexandra Klaus

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**Attorneys for the Staff of the
Missouri Public Service Commission**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record on this 21st day of November, 2025.

/s/ Alexandra Klaus