

**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 Certificates of)	<u>Case No. EA-2023-0286</u>
Public Convenience and Necessity)	Tracking No. JE-2026-0068
Authorizing it to Construct renewable)	
Generation Facilities)	

**STAFF’S REPLY TO AMEREN MISSOURI’S RESPONSE TO
STAFF’S REPORT AND RECOMMENDATION AND
STAFF’S AMENDED RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and makes the following Reply to Ameren Missouri’s Response to Staff Recommendation and offers the following Amended Recommendation (“Reply”):

1. On November 12, 2025,¹ Ameren Missouri filed a tariff sheet to establish rates for Phase 3 of its Renewable Solutions Program, using the Vandalia and Bowling Green solar facilities as resources. The tariff sheet bore an effective date of December 12, and was assigned Tracking No. JE-2026-0068.
2. On November 12, the Commission issued its Order requiring Staff to file a recommendation on the sheet no later than November 19.
3. Following another Commission Order Staff filed its Report and Recommendation on November 24. Staff recommended that the Commission approve the rate schedule set out in the tariff sheet but that it suspend the tariff until further orders of the Commission. Staff reasoned that it could not be concluded that either the Vandalia or Bowling Green solar facilities for which the tariff sheet set customer rates were in fact

¹ All date references will be to 2025 unless otherwise stated.

fully operational and useful for service as required by Section 393.135 RSMo to actually charge the rates.

4. On December 2, the Company made a Supplemental Tariff Filing extending the tariff's effective date to December 19. On December 3, Ameren Missouri filed a Response to Staff Recommendation ("Response").

5. Ameren Missouri's Response states that it will "in the next few days, provide the Staff documentation demonstrating that the Vandalia solar facility has met the agreed-upon in-service criteria (expected to be provided not later than December 9, 2025)." It states that in the event Staff requires additional time to review the documentation, the Company will be agreeable to a further modest extension of the tariff's effective date. With respect to Bowling Green's compliance with the in-service criteria, the Company states that it will provide documentation later, acknowledging that completion of the Bowling Green facility is not expected to occur until the first quarter of 2026. The Company promises that in the meantime, subscribers will be charged under the Program Phase No. 3 program on the output of only the Vandalia facility and not for the Bowling Green facility. With that promise—extrinsic to a filed tariff facially effective on December 19—the Company asserts that there is no need to suspend the tariff.

6. Staff acknowledges here the need to have a presently effective tariff setting presently effective rates with respect to Vandalia once it is operational. Staff, however, believes that unless there be compelling circumstances, third parties reviewing *presently effective rate-setting tariffs* in the Public Service Commission's *tariff files*—wholly separate and distinct from the Commission's *case files*--should not be required to surmise and speculate as to whether they need to search through pleadings, testimony, orders,

etc., in *case files* to confirm whether rates set in a currently effective tariff may actually be currently charged. The Company here proposes a substantial first step down a slippery slope that is simply not the way to do business with thousands of tariffs which have the force and effect of statutes. Such a casual practice will predictably lead to confusion and disagreements and may ultimately require the Commission to restructure its tariff/case files. If a state agency represents that its records are reliable, then one should be able to rely on the records.

7. Staff sees the administrative benefit to the Company in proceeding as it has suggested in its Response. But Staff does not see an administrative burden for the company in simply filing two separate tariffs for the two facilities—one for Vandalia, perhaps to go into effect on December 19 and one to be filed later for Bowling Green with a later effective date when the Company is actually prepared to show that the facility meets the in-service criteria. In either event—Company benefit or burden—Staff sees no justification for the administrative burden which the Company’s conduct presents for this Commission.

8. Although the Company’s Response offers assurances, in the end it leaves the case postured exactly the same as when Staff filed its recommendation on November 24. Staff, accordingly, states that it cannot withdraw from the stated bases for its recommendation. Regardless of the Company’s assurances that it will not charge rates before a facility is fully operational and in service, **Staff does not recommend Commission approval of the pending tariff.**

9. Staff would now amend its recommendation, however, to state that the Commission should approve the rate schedule which the Company has proposed with

the condition that (a) the Company file a substitute tariff which (b) on its face conditions actual customer charges to occur only upon the parties' (Staff and the Company) filing a joint notice of Section 393.135 RSMo compliance in this file.

WHEREFORE, Staff prays that the Commission will accept this Reply to Ameren's Missouri's Response; and Staff's Amended Recommendation.

Respectfully submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on December 5, 2025 he filed the above captioned pleading in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham