

155 FERC ¶ 61,324
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

June 30, 2016

In Reply Refer To:
Ameren Illinois Company and Union
Electric Company
Docket No. QM16-2-000

Wright & Talisman, P.C.
1200 G Street, NW
Suite 600
Washington, DC 20005

Attn: Victoria M. Lauterbach

Dear Ms. Lauterbach:

1. On April 20, 2016, Ameren Services Company, on behalf of Ameren Illinois Company and Union Electric Company d/b/a Ameren Missouri (collectively, Ameren), submitted an application pursuant to section 210(m) of the Public Utility Regulatory Policies Act of 1978 (PURPA)¹ and section 292.310 of the Commission's regulations² to terminate its mandatory obligation to enter into new contracts or obligations to purchase energy and capacity from qualifying facilities (QF) with a net capacity greater than 20 MW in Ameren's service territories within Midcontinent Independent System Operator, Inc. (MISO).
2. Ameren states that it relies on section 292.309(a)(1) of the Commission's regulations,³ asserting that QFs in MISO have nondiscriminatory access to independently administered, auction-based day ahead and real time wholesale markets for the sale of

¹ 16 U.S.C. § 824a-3(m) (2012).

² 18 C.F.R. § 292.310 (2015).

³ 18 C.F.R. § 292.309(a)(1) (2015).

electric energy; and wholesale markets for long-term sales of capacity and energy. Ameren states that it also relies on the rebuttable presumption in section 292.309(e) of the regulations,⁴ which states that MISO satisfies the criteria of sections 292.309(a)(1)(i)-(ii) of the Commission's regulations.⁵

3. Notice of Ameren's filing was published in the *Federal Register*, 81 Fed. Reg. 24,810 (2016), with interventions and protests due on or before May 18, 2016. The Commission served notice of the application to the potentially-affected QFs identified by Ameren by letter dated April 21, 2016.

4. While no interventions were filed, Dr. Steve Endress, the Superintendent of Bureau Valley School District #340 (Bureau Valley), a school district located in Manlius, IL, on behalf of Bureau Valley, submitted a protest to Ameren's application, stating that termination of the mandatory purchase obligation with Bureau Valley's less than 1 MW wind turbine would be harmful to Bureau Valley's community, its taxpayers, and its students because Bureau Valley does not have the expertise to contract with independent electric purchasers.⁶ Bureau Valley's protest is misplaced, however. Bureau Valley will not, in fact, be affected by the application because its facility is less than 20 MW, and Ameren's application does not seek to terminate the mandatory purchase obligation for QFs less than or equal to 20 MW.

5. Accordingly, Ameren's request, pursuant to section 210(m) of PURPA, to terminate the mandatory obligation to enter into new contracts or obligations to purchase electric energy or capacity from QFs with a net capacity larger than 20 MW that are located in Ameren's service territory is granted.⁷

6. Finally, Ameren requests waiver of the procedures in section 292.310(c) of the Commission's regulations⁸ requiring electric utilities to submit with the application

⁴ 18 C.F.R. § 292.309(e) (2015).

⁵ 18 C.F.R. §§ 292.309(a)(1)(i)-(ii) (2015).

⁶ Although Bureau Valley filed a protest, it did not file a motion to intervene. Thus, Bureau Valley is not party to this proceeding. 18 C.F.R. § 385.211(a)(2) (2015); *accord* 18 C.F.R. §§ 385.102(c)(3), 385.214(a)(3) (2015).

⁷ To the extent that a potentially-affected QF's net capacity is 20 MW or smaller, this order does not terminate the mandatory purchase obligation for that QF.

⁸ 18 C.F.R. § 292.310(c) (2015).

certain information specific to each potentially-affected QF because certain information is not available. Ameren also requests waiver of section 292.310(c)'s requirements if Ameren has not identified any potentially-affected QFs. Ameren states that it has exercised due diligence and has engaged in extensive efforts to gather all the information required by the regulations for each potentially-affected QF in each of its service areas. Under these circumstances, Ameren's listing of potentially-affected QFs is found to be sufficient. This finding does not constitute a waiver of the notice requirements of section 292.310, but rather a determination that Ameren has complied with section 292.310; the Commission will not grant a blanket waiver of the notice requirements in section 292.310 of the Commission's regulations.

By direction of the Commission.

Kimberly D. Bose,
Secretary.