

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption	)	
Of the PURPA Section 111(d)(13) Fossil Fuel	)	Case No. EO-2006-0495
Generation Efficiency Standard as Required by	)	
Section 1251 of the Energy Policy Act of 2005	)	

**ADDITIONAL PLEADING OF CONCERNED CITIZENS**  
**OF PLATTE COUNTY, SIERRA CLUB, OZARK ENERGY SERVICES, MID-**  
**MISSOURI PEACEWORKS AND HEARTLAND RENEWABLE ENERGY SOCIETY**

Come now Concerned Citizens of Platte County (“CCPC”), Sierra Club, Ozark Energy Services, Mid-Missouri Peaceworks and Heartland Renewable Energy Society and in response to the Commission’s December 26 Order Directing Filing of Additional Pleadings on the issue of prior state action state:

**IRP Rulemaking**

As a prefatory matter, it is not clear to us whether the combined rulemaking proposed for the five EAct standards in the Staff’s Oct. 31 “Motion to Open Rulemaking Docket” was intended to include a revision of the 4 CSR Chapter 22 Integrated Resource Planning rules. In the event the Commission were to decide that this standard is best dealt with under the IRP rules, this case could be merged in that rulemaking, which we believe Staff and the Commission still intend to open.

**Prior State Action**

The IOUs cite Chapter 22 as prior state action, with Aquila more plausibly admitting that IRP may not be prior state action.

The EAct/PURPA § 111(d)(13) standard states: “Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.”

The only relevant prior state action is the IRP Supply-Side Resource Analysis in 4 CSR

240-22.040. Resource options include “life extension and refurbishment at existing generating plants” and “efficiency improvements which reduce the utility’s own use of energy.” 4 CSR 240-22.040(1). However, these options are subject to preliminary screening for a variety of “disadvantages,” 22.040(2), and possible elimination. 22.040(2)(C). If passed through, they are subject to further scrutiny for “uncertain factors.” 22.040(8). If included in alternative resource plans, they are subject to further analysis for cost, uncertainty and “additional planning objectives” under 22.060(1–4). The goal of IRP is to identify a single preferred resource plan for implementation. 22.070(6, 9).

Under Chapter 22 a utility need only implement its preferred resource plan, of which increased fossil fuel efficiency will at most be a subordinate element and probably not an element at all. Furthermore, the IRP planning horizon is 20 years, not 10.

No one has demonstrated that fossil fuel efficiency has ever been part of a preferred resource plan or even an alternative resource plan. The mere existence of Chapter 22 does not show that Missouri has considered the standard.

The IRP process does not necessarily result in the kind of plan envisioned by EPAct 2005. Missouri has not acted on or otherwise considered the same or a comparable standard. This case should therefore proceed.

/s/Henry B. Robertson  
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Attorneys for Intervenors

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct PDF version of the foregoing was sent by email on this 9th day of February, 2007, to the persons on the EFIS service list.

/s/Henry B. Robertson  
Henry B. Robertson