

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption       )  
Of the PURPA Section 111(d)(14) Time-based       )       Case No. EO-2006-0496  
Metering and Communication Standard as Required by )  
Section 1252 of the   Energy Policy Act of 2005   )

**RESPONSE TO PROPOSED QUESTIONS BY 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 August 17 Order Directing Filing answer the three proposed questions as follows.

**Prior State Action**

We are unaware of the existence of any comparable standard unless it is in the form of individual utility tariffs.

EPA § 1252(b)(3) (16 U.S.C. § 2625(i)) provides in connection with this standard: “Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices...” This strongly suggests that tariffs alone do not constitute consideration and action upon the standard.

EPA § 1252(e)(1) envisions regional coordination of state energy policies to provide demand response services to the public. A uniform statewide policy is advisable if not essential if this goal is to be met.

There is a marked reluctance on the part of Missouri’s utilities to do DSM programs in general. The standard requires them to offer discounts and credits for off-peak use. This is a

positive disincentive. Barriers to the adoption of time-based metering must be addressed before Missouri can be deemed to have considered the standard within the letter and spirit of EPAct. The existence of barriers to the adoption of demand response programs is acknowledged in § 1252(d), amending PURPA 16 U.S.C. § 2642(d)(2).

In the IRP rules there is no requirement that these particular demand response measures be included in the initial identification of demand-side measures in 4 CSR 240-22.050(1), let alone in any later stage of the Demand-Side Resource Analysis.

Missouri has not acted on or otherwise considered the same or a comparable standard. This case should therefore proceed.

### **Consolidation**

We can see no grounds for consolidating this case with any other standard unless consolidation with the others will serve to expedite the consideration of all by minimizing the number of meetings that must be held.

### **Type of Proceeding**

We believe rulemaking is the best type of proceeding for implementing the standard. The reasons given above under “Prior State Action” apply here as well. Rulemaking is not inconsistent with the investigation requirement noted above. Indeed it is essential to complete the process by requiring each utility to actually offer time-based rates, which is the outcome imposed by the standard.

Rate cases are not suited to consideration of the issues of smart metering and telecommunications technology raised by the PURPA standard.

/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 15th day of September, 2006, to the persons on the EFIS service list.

/s/Henry B. Robertson  
Henry B. Robertson