

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Consideration of Adoption )	
Of the PURPA Section 111(d)(15) Interconnection )	Case No. EO-2006-0497
Standard as Required by Section 1254 of the )	
Energy Policy Act of 2005. )	

**RESPONSE OF AMERENUE**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and for its response to the prepared list of questions set forth in the Commission's *Order Sustaining Motion for Late Filing of Procedural Schedule, Setting Technical Conference, and Directing Filing*, states as follows:

**I. BACKGROUND**

1. On August 8, 2005, the Energy Policy Act of 2005 (EPAcT 2005) became law and amended the Public Utilities Regulatory Policies Act of 1978 (PURPA). EPAcT 2005 added five new standards within PURPA §111(d). Each standard must be considered by state commissions and a determination made of whether or not to adopt the standard. The standards to be considered involve net metering, interconnection standards, fuel sources, fossil fuel generation efficiency and time-based metering. PURPA §111(b) states that consideration is to include public notice and a hearing.

2. As an exception to the requirement that a state commission consider a standard, PURPA ¶112(a) provides that state commissions do not have to consider a standard if, prior to the enactment of EPAcT 2005, the state has implemented the standard or a comparable standard, if the state commission has held a proceeding considering the standard or a comparable standard or if the state's legislature has voted on the implementation of the standard or a comparable standard.

3. On June 23, 2006, the Missouri Public Service Commission (Commission) established this case to consider and make a determination as to whether to adopt the interconnection standard set forth in Section 1251 of EPAct 2005. Specifically, the fuel sources standard, the standard in question, requires the Commission to make a determination as to whether

Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term ‘interconnection service’ means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state regulatory agencies. All such agreements and procedures shall be just and reasonable, and no unduly discriminatory or preferential. (PURPA §111(d)(15)).

4. On August 17, 2006, the Commission issued an *Order Sustaining Motion for Late Filing of Procedural Schedule, Setting Technical Conference, and Directing Filing*. This order requested all parties to file responses to a prepared list of questions no later than September 15, 2006. The questions posed are as follows:

**Question:** Can this case be closed based on “prior state actions” as provided in Section 1251(b)(3) of the Act [16 U.S.C. 2622(d)], and why or why not?

**Question:** Can this case be consolidated with any, some or all of the following cases – EO-2006-0493, EO-2006-0494, EO-2006-0495 and EO-2006-0496– because the issues addressed in one or more of these cases are similar, and why or why not?

**Question:** What type of proceeding (e.g., rulemaking, rate case implementation, etc.) should the Commission use to address the

issues in this case in order to meet the Public Utility Regulatory Policies Act of 1978 (“PURPA”) Section 111(a) and 111(b) “consideration and determination” requirements [16 U.S.C. 2621(a), 2621(b)], and why?

## **II. COMMISSION CONSIDERATION OF INTERCONNECTION STANDARD**

**A. Question** - Can this case be closed based on “prior state actions” provided in Section 1251(b)(3) of the Act [16 U.S.C. 2622(d)], and why or why not?

5. AmerenUE believes that this case may be closed by the Commission without further consideration of the above cited standard because of prior state action. The State of Missouri’s legislature has considered and implemented standards for interconnection. Specifically, it was addressed in 386.887 RSMo (Cum. Supp. 2006), entitled the Consumer Clean Energy Act. This Act sets standards for the interconnection of qualified net metering units with electric utilities in the State of Missouri. Further, the Commission has considered and adopted regulations for net metering and interconnection in 4 CSR 240-20.065 et. seq. Either action is sufficient to qualify as prior state action under EPAAct 2005.

6. The interconnection standards contained within the above cited statute and rules are the same or are sufficiently comparable to the standards which the Commission would consider under EPAAct 2005 to qualify as prior state action. They provide for the interconnection of electric generators to a utility system.

7. Significantly, as the prior state action exception in PURPA §112(a) has been met, no hearing is required. The Commission is not obligated to undertake any further consideration of this standard and should make a finding as such and close the case.

**B. Question-** Can this case be consolidated with any, some or all of the following cases – EO-2006-0493, EO-2006-0494, EO-2006-0495 and EO-2006-0497 – because the issues addressed in one or more of these cases are similar, and why or why not?

8. AmerenUE feels strongly that the prior state action exception applies to this standard and, accordingly, that the Commission need do nothing more than make a finding

stating the same. However, if the Commission is to further explore this question, AmerenUE feels it appropriate to consolidate this question with case number EO-2006-0493, which is the EAct 2005 standard on net metering.

**C. Question:** What type of proceeding (e.g., rulemaking, rate case implementation, etc.) should the Commission use to address the issues in this case in order to meet the Public Utility Regulatory Policies Act of 1978 (“PURPA”) Section 111(a) and 111(b) “consideration and determination” requirements [16 U.S.C. 2621(a), 2621(b)], and why?

9. Again, if the Commission makes a finding that the prior state action exception is applicable, answering this question become unnecessary. AmerenUE feels closing this case is the appropriate course of action.

WHEREFORE, AmerenUE respectfully requests that the Commission accept this Response to its Order of August 17, 2006 and further, that the Commission find it has no obligation to consider the interconnection standard found within Section 1254 of EAct 2005 because of prior state action on this topic.

Respectfully submitted,

UNION ELECTRIC COMPANY  
d/b/a AmerenUE

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Dated: September 15, 2006

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 15<sup>th</sup> day of September, 2006.

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