

**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 TO STAFF'S SUGGESTIONS
REGARDING FUTURE PROCEEDINGS**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and for its response to *Staff's Suggestions Regarding Future Proceedings* states as follows:

I. BACKGROUND

1. 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 established in Section 1254 of EPAct 2005. Specifically, the interconnection 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)).

2. On September 15, 2006, AmerenUE and other parties in this case filed response to a list of questions found in the Commission order of August 17, 2006.

3. On September 22, 2006, a technical conference was held for the purpose of determining whether a consensus could be reached on how this case should proceed.

4. On September 29, 2006, Staff made a filing titled *Staff's Suggestions Regarding Future Proceedings*. Staff recommended the following action be taken in this case: that an EX case be opened to consider limited revisions to Rule 4 CSR 240-20.065; that an EW case be opened to consider recommending revisions to Section 386.877 RSMo; and that this case remain open to allow the Commission to adopt the recommended changes to 4 CSR 240-20.065 that may result from the EX case.

II. AMERENUE'S RESPONSE

5. As it stated in its September 15, 2006 pleading, 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 already 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 EAct 2005.

6. Certain parties have argued that the interconnection standard is not precisely the same as the standards contained within EAct 2005 and thus does not qualify as prior state

action. AmerenUE disagrees with this overly strict interpretation of EPAct 2005. There is no requirement that the states adopt the exact language of the EPAct 2005 standard. EPAct 2005 uses the phrase “comparable standard” when discussing the prior state action exemption. In fact, EPAct 2005 defines a prior state action to include the scenario when a standard has been considered and not adopted. The interconnection standards contained within the above cited statute and rules are sufficiently comparable to the standards which the Commission would consider under EPAct 2005. The EPAct 2005 standard says that electric utilities should make available interconnection service and should establish agreements and procedures for that service. 386.887 RSMo (Cum. Supp. 2006) provides for interconnection and even provides an interconnection agreement for that purpose. This addresses the issues contained within the EPAct 2005 section on interconnection.

7. As the prior state action exception in PURPA §112(a) has been met, the Commission is not obligated to undertake any further consideration of this standard and should make a finding as such and close the case.

WHEREFORE, AmerenUE respectfully requests that the Commission accept this Response to the *Staff Suggestions Regarding Future Proceedings* and find that (a) it has no obligation to consider the interconnection standard found within Section 1254 of EPAct 2005

because of prior state action on this topic; (b) that the prior state action adequately addresses this topic; and (c) that this case should be closed.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

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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 13th day of October, 2006.

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