

# 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     )  
Generation Efficiency Standard as Required by     )  
Section 1251 of the Energy Policy Act of 2005     )

**Case No. EO-2006-0495**

### **ORDER SUSPENDING THE REQUIREMENT TO FILE A PROCEDURAL SCHEDULE**

Issue Date: October 16, 2006

Effective Date: October 16, 2006

On June 22, 2006,<sup>1</sup> the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission establish a case, provide notice, set an intervention deadline and schedule an early prehearing conference for the purpose of determining whether to adopt the Fossil Fuel Generation Efficiency Standard established in Section 1251 of the Energy Policy Act of 2005 ("EPAct"). The Commission granted Staff's motion on June 23. A prehearing was held on August 4, and the parties were directed to jointly file a procedural schedule.

A technical conference was held on September 22 to better chart the course of this matter, consider possible consolidation with other PURPA related cases pending before the Commission, and to allow determination of a more detailed procedural schedule. On September 29, Staff filed suggestions regarding future proceedings in this matter. In its suggestions, Staff also stated that it was not yet possible to develop a detailed procedural

---

<sup>1</sup> All dates throughout this order shall refer to the year 2006 unless otherwise specified.

schedule in this case. The parties were given until October 13 to respond to Staff's suggestions and multiple parties have now responded.

The Staff will be directed to file a motion for a final order of rulemaking. That motion shall request that one EX case be opened to consider potential revisions to existing rules, the drafting of new rules, and/or developing any proposed revisions to Chapter 386, RSMo, in order to comply with the new PURPA standards enacted in the Energy Policy Act of 2005. This single EX case will consolidate any and all rulemaking considerations for cases EO-2006-0493; EO-2006-0494; EO-2007-0495; EO-2007-0496; and EO-2007-0497. This current case will remain open pending the results of the rulemaking case.

**IT IS ORDERED THAT:**

1. The requirement to file a proposed procedural schedule in this matter is indefinitely suspended.

2. The Staff of the Missouri Public Service Commission shall file a Motion for a Final Order of Rulemaking to open a single EX case to consolidate any and all rulemaking considerations for cases EO-2006-0493; EO-2006-0494; EO-2007-0495; EO-2007-0496; and EO-2007-0497.

3. The parties will be given ten days after the Motion for a Final Order of Rulemaking is filed to respond.

4. This order shall become effective on October 16, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 16th day of October, 2006.