

**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	)	<u>Case No. EO-2006-0495</u>
by Section 1251 of the Energy Policy Act of 2005.	)	

**PUBLIC COUNSEL’S RESPONSE TO ORDER GRANTING LEAVE TO WITHDRAW
MOTION AND DIRECTING FILING OF ADDITIONAL PLEADINGS**

COMES NOW the Office of the Public Counsel (“Public Counsel”) and for its Response to Order Granting Leave to Withdraw Motion and Directing Filing of Additional Pleadings states as follows:

The most thorough and reliable analysis in this case of the question of prior state action is to be found in the pleading filed by the Missouri Department of Natural Resources (DNR) on September 15, 2006. Public Counsel supports the DNR’s analysis and conclusions.

WHEREFORE, Public Counsel respectfully provides this response pursuant to the Commission’s December 26, 2006, Order Granting Leave to Withdraw Motion and Directing Filing of Additional Pleadings.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ **Lewis R. Mills, Jr.**

By:_____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 9th day of February 2007:

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