

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

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

**STAFF’S STATEMENT OF POSITION**

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Statement Of Position in the above-styled proceeding, respectfully states as follows:

1. On March 15, 2007, the Commission issued its Order Establishing A Procedural Schedule For On-The-Record Presentations (“Order”) in the instant case, as well as in the other four cases addressing the new standards established by the Energy Policy Act of 2005 (*i.e.*, case Nos. EO-2006-0493, EO-2006-0494, EO-2006-0495 and EO-2006-0496). The Order directed each of the parties: a) to file no later than April 6, 2007, a pleading identifying any expert witnesses (including biographical information) that the parties intend to tender during the scheduled on-the-record presentation for each of these proceedings; and 2) to file by April 13, 2007, position statements from the parties’ identified experts outlining, for each of the new federal standards, the experts’ positions on the applicability of the prior state action exemption.

2. On April 6, 2007, the Staff filed a pleading identifying Warren T. Wood as its expert witness for the Interconnection Standard, which is the subject of the instant case, and including a biographical statement. Attached hereto as Appendix A is Mr. Wood’s statement of the Staff’s position on this issue, along with his supporting affidavit.

Respectfully submitted,

**/s/ Dennis L. Frey**

Dennis L. Frey  
Senior Counsel  
Missouri Bar No. 44697

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 13<sup>th</sup> day of April 2007.

**/s/ Dennis L. Frey**

## **Applicability of the Prior State Action Exemption to the Interconnection Standard**

### Warren T. Wood's statement of position on behalf of the Staff

The applicable exemption language in the Energy Policy Act of 2005 is set forth in 16 USC §2622(f), which provides:

Prior State Actions – Subsections (b) and (c) of this section shall not apply to the standard established by paragraph (15) of section 2621(d) of this title in the case of any electric utility in a State if, before August 8, 2005-

- (1) the State has implemented for such utility the standard concerned (or a comparable standard);
- (2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility; or
- (3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility.

In 2002, the Consumer Clean Energy Act became law in Missouri (Section 386.887 RSMo). This legislation required the MoPSC to adopt a net metering rule. The MoPSC Staff held rulemaking technical conferences to develop a rule to implement the Consumer Clean Energy Act. This rulemaking effort resulted in the MoPSC's Net Metering rule (4 CSR 240-20.065). The specific provisions of this rule include interconnection provisions for small scale customer generators. At the time that this rule was being developed, the IEEE and UL standards then in effect were adopted. Since adoption of 4 CSR 240-20.065, a new IEEE standard has been developed. This new standard is IEEE 1547 "Interconnecting Distributed Resources with Electric Power Systems". While prior state action applies to the Net Metering provisions of 4 CSR 240-20.065, the change in IEEE standards renders the prior state action exemption inapplicable to the interconnection provisions of this rule. In order to adopt the latest applicable IEEE interconnection standard, it will be necessary to revise 4 CSR 240-20.065 and possibly adopt a new rule specifically for interconnection. One option to avoid a new interconnection rule would be to require all of the electric utilities to revise their tariffs to specifically identify compliance with IEEE 1547 as a criterion for approval of customer interconnection of a distributed generation source.

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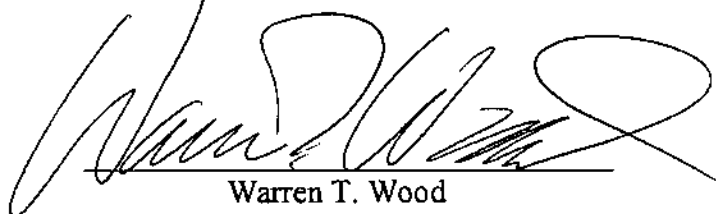
In the Matter of the Consideration of )  
Adoption of the PURPA Section )  
111(d)(15) Interconnection Standard as )  
Required by Section 1254 of the Energy )  
Policy Act of 2005. )

Case No. EO-2006-0497

**AFFIDAVIT OF WARREN T. WOOD**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

Warren T. Wood, of lawful age, on his oath states: that he has participated in the preparation of the attached Staff Position Statement to be presented in the above case, that the information was given by him; and that the information contained therein is true and accurate to the best of his knowledge, information and belief.

  
Warren T. Wood

Subscribed and sworn to before me this 13<sup>th</sup> day of April, 2007.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
Notary Public

My commission expires 9-21-10