

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

In the Matter of the Consideration of Adoption	)	
of the PURPA §111(d)(13) Fossil Fuel	)	
Generation Efficiency Standard as Required by	)	Case No. EO-2006-0495
§1251 of the Energy Policy Act of 2005.	)	

**RESPONSE TO COMMISSION’S AUGUST 17, 2006 ORDER**

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Response to the Commission’s August 17, 2006 Order Sustaining Motion For Late Filing Of Procedural Schedule, Setting Technical Conference, And Directing Filing, respectfully states as follows:

1. This case was opened for the purpose of establishing a record of the Commission’s consideration and determination whether to adopt the Fossil Fuel Generation Efficiency Standard established by §1251 of the Energy Policy Act of 2005 (“EPAct 2005”).

2. Among other things, the above-referenced Commission Order directed the parties to attend a September 22, 2006 technical conference beginning at 10:00 a.m. at the Governor Office Building in Jefferson City. The Order also directed each of the parties to file by September 15, 2006, pleadings offering its response to the following questions:

- a) 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?
- b) Can this case be consolidated with any, some or all of the following cases—EO-2006-0494, EO-2006-0495, EO-2006-0496 and EO-2006-0497—because the issues addressed in one or more of these cases are similar, and why or why not?
- c) 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)3 “consideration and determination” requirements [16 U.S.C. 2621(a), 2621(b)], and why?

3. The Staff recommends that this case be consolidated with Case No. EO-2006-0494, which addresses the Fuel Sources Standard, as required by Section 1251 of EPAct 2005. Consolidation of the instant case with the Fuel Sources Standard case makes sense because fossil fuel efficiency and fuel sources are quite naturally considered in tandem in an inquiry of this type.

4. Further discussion among the parties is necessary in order to develop a consensus as to the best means of determining the question of the adoption of the Fossil Fuel Generation Efficiency Standard. However, the Commission's Chapter 22 Electric Resource Planning rules already address, to different levels of specificity, both fossil fuel generation efficiency and fuel source diversity. Therefore, the Staff would propose that the appropriate approach would be to include both of these matters in any eventual rulemaking concerning Chapter 22 Electric Resource Planning.

5. The Staff understands that, as a result of intensive involvement in other cases pending before the Commission, certain parties might be unable to meet the ordered September 15, 2006 filing deadline. Accordingly, the Staff requests that the other parties to this case be permitted an extension of the time to file their responses to the above-noted questions, until the end of the day on September 20, 2006.

WHEREFORE, the Staff respectfully submits its response to the Commission's August 17, 2006 Order, and requests an extension of the time for the other parties to file their responses to the end of the day on September 20, 2006.

Respectfully submitted,

**/s/ Dennis L. Frey**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed by first-class mail, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 15th day of September 2006.

**/s/ Dennis L. Frey**