

**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	)	Case No. EO-2006-0495
Required by §1251 of the Energy Policy Act of	)	
2005.		

**MOTION TO LATE-FILE JOINTLY PROPOSED PROCEDURAL SCHEDULE AND
JOINTLY PROPOSED PROCEDURAL SCHEDULE**

COME NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and requests leave to late-file the jointly proposed procedural schedule. In addition, the Staff, the Office of the Public Counsel, the Missouri Department of Natural Resources, Aquila, Inc., The Empire District Electric Company, Union Electric Company d/b/a/ AmerenUE, Kansas City Power & Light Company, Missouri Industrial Energy Consumers, Concerned Citizens of Platte County, Sierra Club, Audubon Missouri, Ozark Energy Services, Mid-Missouri Peaceworks and Heartland Renewable Energy (“Parties”) collectively state as follows:

1. On June 22, 2006, the Staff filed a pleading requesting, among other things, that the Commission open a docket for purposes of considering the possible adoption of the newly enacted §111(d)(13) Fossil Fuel Generation Efficiency Standard of the Public Utility Regulatory Policies Act of 1978, as required by §1251 of the Energy Policy Act of 2005 (“Act”).
2. In an order issued June 23, 2006 the Commission set a prehearing conference for August 4, 2006 and directed the Parties to file a proposed procedural schedule by August 11, 2006.
3. Following the on-the-record portion of the prehearing conference, the Parties met and determined that the best way to proceed would be to hold a technical conference addressing

not only the federal standard that is the subject of this case, but also the federal standards addressed in Case Nos. EO-2006-0493, EO-2006-0494, EO-2006-0496 and EO-2006-0497, respectively. The technical conference is expected to chart a course for each of the standards at issue. Following the technical conference the Parties will be in a better position to advise the Commission regarding the type of additional proceedings that may be necessary in each case to comply with the requirements of the Act, and when possible, to recommend a more detailed procedural schedule for specific cases. It is very possible that consolidation of some cases and/or a recommendation to close some cases could result. Unanimity as to how best to proceed may not be achieved by the technical conference. All parties retain their rights to present to the Commission their positions on these matters.

4. Accordingly, the Parties request that the Commission order a technical conference to take place on Friday, September 22 beginning at 10:00 a.m. in Room 315 of the Commission's offices in the Governor Office Building in Jefferson City.

5. At the August 4th prehearing conference, the Parties also discussed Staff's suggestion that the technical conference might be more productive if Party positions on certain procedural matters were known in advance. Staff proposed to develop a list of questions for each case and to make a request that the Commission order the Parties in each case to file responses no later than one week prior to the technical conference. Since no Parties were opposed to this proposal, the Parties request that the Commission order the Parties to this proceeding to respond to each of 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-2006-0493, EO-2006-0494, 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) “consideration and determination” requirements [16 U.S.C. 2621(a), 2621(b)], and why?

6. Counsel for the Parties as identified on the attached service list have authorized counsel for the Staff to make the representations contained herein.

WHEREFORE, the Staff requests leave to late-file the jointly proposed procedural schedule. In addition, Parties in this case jointly request: 1) that the Commission establish a technical conference on Friday, September 22, 2006 to address the federal standards and further proceedings in this case and those in Case Nos. EO-2006-0493, EO-2006-0494, EO-2006-0496 and EO-2006-0497; and 2) that the Commission order the Parties in this case to respond to the Staff questions posed in this pleading no later than one week prior to the technical conference to ensure that all Parties have adequate time to consider the responses before the technical conference.

Respectfully submitted,

/s/ Dennis L. Frey by SD

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed by first-class mail, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 16th day of August 2006.

/s/ Steven Dottheim