

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

In the Matter of the Consideration of Adoption)	
of the PURPA §111(d)(14) Time-Based)	
Metering and Communications Standard as)	Case No. EO-2006-0496
Required by §1252 of the Energy Policy Act of)	
2005.)	

STAFF’S SUGGESTIONS REGARDING FUTURE PROCEEDINGS

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Second Proposed Procedural Schedule, 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 Time-Based Metering and Communications Standard established by §1252 of the Energy Policy Act of 2005 (“EPAAct 2005”).

2. On August 17, 2006, the Commission issued an Order directing the parties to file a proposed procedural schedule by September 29, 2006. In addition, the Order scheduled a technical conference for September 22, 2006, and directed the parties to file pleadings offering their responses to three items of inquiry, essentially dealing with how to proceed with this matter. Analogous orders were issued also on August 17 in four other cases (Case Nos. EO - 2006-0493, ER-2006-0494, ER-2006-0495 and ER-2006-0497) addressing the other new standards established by EPAAct 2005. The Staff and the other parties filed their responses prior to the September 22, 2006 technical conference, which was held for the purpose of determining whether a consensus could be reached concerning a recommendation to the Commission as to how the Commission should rule in this matter, and in any event, how this case should be treated procedurally.

3. The technical conference revealed that it is not yet possible for the parties to develop a detailed procedural schedule in this case (or in any of the other companion cases mentioned above). It was decided, therefore, that the Staff should file a pleading setting out its view as to how to proceed from this point, and reflecting to the extent possible, the views of the other parties. The other parties should then be allowed a period of time in which to respond to the Staff's pleading.

4. The threshold question to be answered is whether this case may be closed based on "prior state actions" as provided in Section 1252 (i)(1) of the Act [16 U.S.C. 2622(e)]¹. Some parties hold the view that the case may be closed because current tariffs are adequate to demonstrate prior state actions. As indicated in its Response to the aforementioned August 17, 2006 Commission Order, the Staff believes that the Commission should address the question of whether to adopt the Time-Based Metering and Communications Standard.

5. The Staff anticipates that some aspects of the Time-Based Metering and Communications Standard can be handled generally, but differences among the utilities will require some aspects to be handled in individual rate cases. Therefore, the Staff suggests that a case-specific technical conference be scheduled for 10:00 a.m. on November 20, 2006, in order

¹ 16 USC §2622(e) provides: "Prior State Actions- Subsection (b) and (c) of this section shall not apply to the standards established by paragraph (14) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

(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 within the previous 3 years; or

(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility within the previous 3 years."

to address the merits of a rulemaking or statement of Commission policy, to be followed by implementation of the rule or policy in the context of individual rate cases. The parties should be required, by December 5, 2006, to state their positions as to whether a rulemaking will be required to implement these provisions of EPAct, and if so, the timeline they recommend in order to complete this effort by August 8, 2007. The instant case should remain open for a Commission determination regarding the adoption of the Time-Based Metering and Communications Standard pending the results of the case-specific technical conference and any rulemaking docket that may ensue.

6. The other parties to this proceeding should be permitted until October 13, 2006 to file pleadings in response to this Staff pleading.

WHEREFORE, the Staff respectfully submits its Suggestions Regarding Future Proceedings, and requests that any party wishing to respond to this pleading be given until October 13, 2006 to do so.

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 29th day of September 2006.

/s/ Dennis L. Frey