

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

ORDER SUSTAINING MOTION FOR LATE FILING OF PROCEDURAL SCHEDULE, SETTING TECHNICAL CONFERENCE, AND DIRECTING FILING

Issue Date: August 17, 2006

Effective Date: August 17, 2006

On June 22, 2006, the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission establish a case, provide notice, set an intervention deadline and schedule an early prehearing conference for the purpose of determining whether to adopt the Fossil Fuel Generation Efficiency Standard established in Section 1251 of the Energy Policy Act of 2005 ("EPAAct"). The Commission granted Staff's motion on June 23, 2006. A prehearing was held on August 4, 2006, and the parties were directed to jointly file a procedural schedule by August 11, 2006.

On August 16, 2006, the Staff of the Missouri Public Service Commission, with authorization from 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 (collectively

“Parties”), sought leave to late file the jointly proposed procedural schedule. Staff and the Parties also request that a technical conference be ordered for September 22, 2006, to better chart the course of this matter, consider possible consolidation with other PURPA related cases pending before the Commission, and to allow determination of a more detailed procedural schedule.

Staff and the Parties further request an order requiring all parties to file responses to a prepared list of questions one week prior to the technical conference to ensure an adequate opportunity to consider the responses prior to the technical conference. The proposed questions are:

- 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?

Staff represents that the Parties have authorized it to make these requests and that no party is opposed to these proposals.

IT IS ORDERED THAT:

1. The motion for leave to late file the jointly proposed procedural schedule is sustained.
2. The parties shall each file a pleading responding to the questions listed in the body of this order no later than September 15, 2006.

3. The parties shall appear at a technical conference to be held on September 22, 2006, beginning at 10:00 a.m. The technical conference will be held in Room 315 at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets the accessibility standards required by the Americans With Disabilities Act. Any person needing additional accommodations to participate in this technical conference should call the Public Service Commission's Hotline at 1-800-392-4211 or dial Relay Missouri at 711 prior to the conference.

4. The parties shall jointly prepare and file a proposed procedural schedule no later than September 29, 2006.

5. This order shall become effective on August 17, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of August, 2006.