

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 TO SHOW CAUSE WHY MISSOURI INDUSTRIAL ENERGY CONSUMERS SHOULD NOT BE DISMISSED AS A PARTY

Issue Date: October 20, 2006

Effective Date: October 20, 2006

On June 22, 2006,¹ 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. Missouri Industrial Energy Consumers ("MIEC") filed a timely request to intervene and was granted intervention on August 2.²

A prehearing was held in this matter on August 4, and on August 16, the Staff filed a request that the Parties be ordered to respond to a list of questions to better chart the course of this proceeding. On August 17, the Commission directed the Parties to file responses to the questions proposed by Staff no later than September 15. A technical

¹ All dates throughout this order shall refer to the year 2006 unless otherwise specified.

² MIEC is composed of: Anheuser-Busch Companies, Inc., The Boeing Company, DaimlerChrysler, Ford Motor Company, General Motors Corporation, Hussmann Refrigeration, J.W. Aluminum, Monsanto Company, Pfizer, Praxair, Precoat Metals, Procter & Gamble Manufacturing, Nestlé Purina and Solutia.

conference followed on September 22, and on September 29, the Staff filed “Suggestions Regarding Future Proceedings.” On October 2, the Parties were once again directed to file responses to Staff’s suggestions, this time no later than October 13.

MIEC was not present for the prehearing on August 4. MIEC also failed to respond to the Commission’s August 17 and October 2 orders. It is also unclear if MIEC attended the technical conference on September 22.

Commission Rule 4 CSR 240-2.090(5) provides that failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of a party unless good cause for the failure to appear is shown. Moreover, Commission Rule 4 CSR 240-2.116(3) provides that any party may be dismissed from a case for failure to comply with a Commission order. Consequently, MIEC will be directed to file a pleading with the Commission stating why MIEC should not be dismissed from this case.

IT IS ORDERED THAT:

1. No later than October 30, 2006, Missouri Industrial Energy Consumers shall file a pleading showing cause why it should not be dismissed as a party from this case.

2. This order shall become effective on October 20, 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 20th day of October, 2006.