

**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.	)	

MOTION TO OPEN RULEMAKING DOCKET

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Motion To Open Rulemaking Docket, respectfully states as follows:

1. Case Nos. EO-2006-0493, EO-2006-0494, EO-2006-0495, EO-2006-0496 and EO-2006-0497 were opened for the purpose of establishing a record of the Commission’s consideration and determination whether to adopt the following respective standards, which were established by the Energy Policy Act of 2005 (“EPAct 2005”): a) the Net Metering Standard (established by §1251 of EPAct 2005); b) the Fuel Sources Standard (Section 1251); c) the Fossil Fuel Generation Efficiency Standard (Section 1251); d) the Time-Based Metering and Communications Standard (Section 1252); and e) the Interconnection Standard (Section 1254).

2. On September 29, 2006, the Staff filed its Suggestions Regarding Future Proceedings in each of the five cases noted above. In all but Case No. EO-2006-0496, which addresses the Time-Based Metering and Communications Standard (a.k.a. “Smart Metering”), the Staff suggested that the Commission open a rulemaking docket for the purpose of considering appropriate modifications to existing rules¹; in particular, Commission rule 4 CSR 240-20.065 (Net Metering) for Case Nos. EO-2006-0493 and EO-2006-0497, and Chapter 22 rules (Electric Utility Resource Planning) for Case Nos. EO-2006-0494 and EO-2006-0495. A

¹ In Case No. EO-2006-0496, the Staff proposed to defer a recommendation as to whether a rulemaking docket should be opened to address the Time-Based Metering and Communications Standard until after a case-specific technical conference was held in November of 2006.

rulemaking proceeding is seen as a way to facilitate the Commission's consideration and ultimately its determinations with respect to these standards, as required by EAct 2005. If the parties or Staff ultimately propose rules to the Commission as a means for it to meet its EAct 2005 obligations, Staff believes that the docket requested herein will contain sufficient evidence upon which the Commission may make a finding of necessity for rulemaking pursuant to section 536.016 RSMo, prior to any decision to file proposed rules with the Missouri Secretary of State.

3. On October 16, 2006, after a number of parties had filed responses to the aforementioned Staff Suggestions, the Commission issued an order in each of the five cases directing the Staff to file a motion for a single order of rulemaking for the purpose of consolidating any and all rulemaking considerations in all five cases.

4. It is particularly important that a rulemaking docket be opened promptly for Case No. EO-2006-0496 because, under EAct 2005, a Commission determination whether to adopt the Time-Based Metering and Communications Standard is required by August of 2007. A Commission determination regarding the adoption of the Interconnection Standard (Case No. EO-2006-0497) is likewise required by August 2007². Accordingly, in order to provide the Commission with sufficient time to render its determination in those two cases, the Staff recommends that the Commission include in its Order establishing a rulemaking docket, a requirement that the parties and/or the Staff file, by April 30, 2007, either proposed rules or pleadings indicating why a rulemaking is not necessary in connection with the EAct 2005 standards addressed Case Nos. EO-2006-0496 and EO-2006-0497.

² By contrast, the Commission need not rule with respect to the Net Metering, Fuel Sources, and Fossil Fuel Generation Efficiency Standards until August of 2008.

WHEREFORE, the Staff respectfully requests that the Commission open a single rulemaking (“EX”) docket to address any and all rulemaking considerations related to Case Nos. EO-2006-0493, EO-2006-0494, EO-2006-0495, EO-2006-0496 and EO-2006-0497. Further, the Staff requests that the Commission order the parties and/or the Staff to file, no later than April 30, 2007, either: a) proposed rules that address the EAct 2005 standards that are the subject of Case Nos. EO-2006-0496 and EO-2006-0497, or b) pleadings explaining why a rulemaking is inappropriate or unnecessary to fulfill the EAct 2005 requirements in those cases. The Staff suggests that this will afford the Commission adequate time to make a record and exercise its duties under the Act to make its determinations regarding adoption of both the Time-Based Metering and Communications Standard and the Interconnection Standard prior to August 2007.

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 31st day of October 2006.

/s/ Dennis L. Frey