

**John R. Ashcroft**  
Secretary of State  
Administrative Rules Division  
  
RULE TRANSMITTAL  
  
000963

Administrative Rules Stamp  
**RECEIVED**  
MAY 29 2020  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 20 CSR 4240-3.155

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:  
Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010  
Email address morris.woodruff@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 FAX 573-526-6010  
Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo  
TYPE OF RULEMAKING ACTION TO BE TAKEN

- Emergency Rulemaking  Rule  Amendment  Rescission  Termination  
Effective Date for the Emergency \_\_\_\_\_
  - Proposed Rulemaking  Rule  Amendment  Rescission
  - Rule Action Notice  In Addition  Rule Under Consideration
  - Request for Non-Substantive Change
  - Statement of Actual Cost
  - Order of Rulemaking  Withdrawal  Adopt  Amendment  Rescission  
Effective Date for the Order \_\_\_\_\_
  - Statutory 30 days OR Specific date \_\_\_\_\_
- Does the Order of Rulemaking contain changes to the rule text?  NO  
 YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:  
\_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp


JCAR Stamp  
**RECEIVED**  
By Joint Committee on Administrative Rules at 12:02 pm, May 29, 2020

# Summary of Comments on 3.155.pdf

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 Number: 1      Author: waylene.hiles      Subject: Received      Date: 5/29/2020 12:02:54 PM

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**WILLIAM P. KENNEY**  
Commissioner

**MAIDA J. COLEMAN**  
Commissioner

## ***Missouri Public Service Commission***

**RYAN A. SILVEY**  
Chairman

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://psc.mo.gov>

**SCOTT T. RUPP**  
Commissioner

**JASON R. HOLSMAN**  
Commissioner

May 29, 2020

John Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

### **Re: 20 CSR 4240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings**

Dear Secretary Ashcroft,

#### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rescission lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed rescission does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed rescission does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rescission either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: *sections 386.250 and 393.140, RSMo*

If there are any questions regarding the content of this proposed rescission, please contact:

Morris Woodruff, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-2849  
Morris.Woodruff@psc.mo.gov



*Morris L. Woodruff*

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

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STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*  
GOVERNOR  
STATE OF MISSOURI

April 14, 2020

Mr. Ryan Silvey  
Public Service Commission  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102

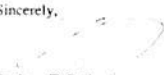
Dear Ryan:

This office has received your proposed rulemaking for the following regulations:

- 20 CSR 4240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings
- 20 CSR 4240-20.060 Cogeneration and Small Power Production
- 20 CSR 4240-20.065 Net Meetings

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of these regulations, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

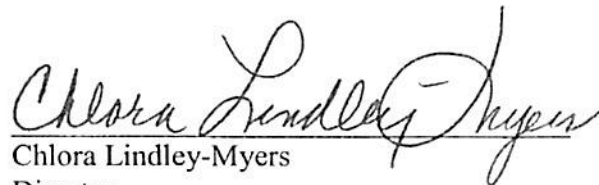
Sincerely,

  
Andrew T. Bailey  
Deputy General Counsel

AFFIDAVIT  
PUBLIC COST

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE    )

I, Chlora Lindley-Myers, Director of the Department of Commerce and Insurance, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rescission to rule, 20 CSR 4240-3.155, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
Chlora Lindley-Myers  
Director  
Department of Commerce and Insurance

Subscribed and sworn to before me this 18<sup>th</sup> day of May, 2020, I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on May 18, 2024.



KIMBERLY LANDERS  
My Commission Expires  
May 18, 2024  
Callaway County  
Commission #12558402

  
Notary Public

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MAY 29 2020

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Title 20 – Department of Commerce and Insurance  
Division 4240 – Public Service Commission  
Chapter 3 – Filing and Reporting Requirements

PROPOSED RESCISSION

**20 CSR 4240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings**

*PURPOSE: This rule is being rescinded in its entirety and relevant language is being streamlined into Chapter 20.*

*AUTHORITY: section 386.250 and 393.140, RSMo. \* Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed July 25, 2003, effective March 30, 2004.*

*\*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140, RSMo 1939, amended 1949, 1967.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions in excess of \$500.00 in total.*

*PRIVATE COST: This proposed rule will not cost private entities in excess of \$500.00 in total.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than July 31, 2020, and should include a reference to Commission Case No. EX-2020-0006. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., August 11, 2020, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TOO Hotline 1-800-829-7541.*

**RECEIVED**

By Joint Committee on Administrative Rules at 12:03 pm, May 29, 2020

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# Small Business Regulator Fairness Board Small Business Impact Statement

Date: May 7, 2020

Rule Number: 20 CSR 4240-3.155 Requirements for Electric Utility Cogeneration  
Tariff Filings

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Karen Bretz and Claire Eubanks

Phone Number: (573) 751-5472      Email: [karen.bretz@psc.mo.gov](mailto:karen.bretz@psc.mo.gov)  
(573) 526-2953                      [Claire.Eubanks@psc.mo.gov](mailto:Claire.Eubanks@psc.mo.gov)

Name of Person Approving Statement: Kevin Thompson and Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

This rescission is being proposed for simplification and streamlining into Chapter 20.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

The Commission held a workshop and informal comment period.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

It is anticipated the proposed rescission will not have any monetary costs or benefits. No fees are imposed or rescinded.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

This is a rescission and no adverse impact is expected.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None identified.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

This is a rescission. No impact is expected.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes \_\_\_ No X

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Commerce and Insurance  
Division Title: Public Service Commission  
Chapter Title: Electric Utilities**

<b>Rule Number and Title:</b>	20 CSR 4240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings 20 CSR 4240-20.060 Cogeneration and Small Power Production 20 CSR 4240-20.065 Net Metering
<b>Type of Rulemaking:</b>	Rescissions/ Amendments

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	<b>Investor-owned electric utilities</b>	One-time cost of \$17,500 Annual cost of \$7,000

**III. WORKSHEET**

One investor-owned electric utility (IOU) indicated the proposed amendments would cause the utility to incur significant expenses related to necessary technology upgrades and increased litigation expense. Additional information was requested from all electric IOUs.

Using additional information PSC Staff quantified what it expects is the aggregate cost of compliance with proposed amendments.

**IV. ASSUMPTIONS**

Only the amendment to 20 CSR 4240-20.060 is expected to incur the aggregate cost of a one-time cost of \$17,500 and an annual cost of \$7,000. No cost is anticipated for the amendments to 20 CSR 4240-20.065 or the rescission of 20 CSR 4240-3.155.

**Year 1 Costs**

Proposed Code Section	Description	Staff's Est Ameren Costs	Staff's Est Empire Costs	Ameren's Est Costs	Staff's Est KCPL/GMO Costs	Total Staff's Estimated Costs	Notes
\$650	Ameren & KCPL/GMO have existing standard rates for QF's with more than 100kW capacity. Staff estimates Empire's cost: 8 hrs Analyst @ \$50/hr and 2 hrs Atty @ \$125 hr. \$400 + \$250 = \$650. All utilities have existing standard rates for less than 100 kW (net metering).	20 CSR 240-20.060(4)(A)	Utilities develop standard rates	Less than \$1,000	\$0	\$650	\$0
20 CSR 240-20.060(4)(C)	Utilities adopt Commission-developed standard contract	\$5,000 - \$30,000	\$1,800	\$1,800	\$1,800	\$5,400	Utilities currently required to submit a standard contract pursuant to 4 CSR 240-3.155(2)(B). They will incur minimal costs adopting the Commission's. Staff estimates 16 hrs Analyst @ \$50/hr and 8 hrs Atty @ \$125/hr. \$800 + \$1,000 = \$1,800.
20 CSR 240-20.060(4)(D)	Utilities develop interconnection standards	\$5,000 - \$15,000	\$3,550	\$0	\$3,550	\$7,100	Empire has an interconnection standards document. Staff estimates costs to Ameren & KCPL/GMO to develop: 2 hrs Analyst @ \$50/hr, 40 hrs Engineer @ \$80/hr, and 2 hrs Atty @ \$125/hr. \$100 + \$3,200 + \$250 = \$3,550.
20 CSR 240-20.060(11)(A)	Utilities make biannual tariff filings with standard contracts & standard rates	\$3,000 - \$30,000	\$0	\$0	\$0	\$0	This is an existing requirement under current 4 CSR 240-3.155(3).
\$0	\$0	This is an existing requirement under 18 C.F.R. 292.302(b) (PURPA implementing regulation) and 4 CSR 240-3.155(4).	20 CSR 240-20.060(11)(B)	Utilities make avoided cost & capacity plans publicly available	\$1,000	\$0	\$0
20 CSR 240-20.060(11)(C)	Utilities maintain & aggregate circuit & feeder data	\$25,000 - \$50,000, plus \$50,000 - \$250,000 for tracking system	\$1,440	\$1,440	\$1,440	\$4,320	Rule does not require additional software purchases. Utility may chose a more robust solution for its own

purposes. Staff's estimates initial costs for each utility: 16 hrs Analyst time @ \$50/hr and 8 hrs Engineer time @ \$80/hr. \$800 + \$640 = \$1,440.

**TOTAL**                      **\$90,000 - \$375,000**                      **\$6,790**                      **\$3,890**                      **\$6,790**                      **\$17,470**

Recurring Costs

Total Staff's Estimated Costs	Notes	Proposed Code Section	Description	Ameren's Est Costs	Staff's Est Ameren Costs	Staff's Est Empire Costs	Staff's Est KCPL/GMO Costs
20 CSR 240-20.060(4)(A)	Utilities develop standard rates	\$0	\$0	\$0	\$0	\$0	This cost is not expected to recur.
20 CSR 240-20.060(4)(C)	Utilities adopt Commission-developed standard contract	\$5000 - \$30,000 biennially	\$700 biennially	\$700 biennially	\$875 biennially	\$2275 biennially	See Year 1 Costs for 20 CSR 240-20.060(4)(C), above. For recurring costs, Staff estimates Ameren & Empire: 4 hrs Analyst @ \$50/hr and 4 hrs Atty @ \$125/hr. \$200 + \$500 = \$700. KCPL/GMO: 5 hrs Analyst @ \$50/hr and 5 hrs Atty @ \$125/hr. \$250 + \$625 = \$875.
\$2,970 annually	Occasional updates may occur but not because of this rule. Staff's estimated costs for review for each utility: 2 hrs Analyst @ \$50/hr, 8 hrs Engineer @ \$80/hr, and 2 hrs Atty @ \$125/hr. \$100 + \$640 + \$250 = \$990.	20 CSR 240-20.060(4)(D)	Utilities develop interconnection standards	unknown	\$990 annually	\$990 annually	\$990 annually
\$250 biennially	\$750 biennially	This is an existing requirement under current 4 CSR 240-3.155(3). Under the proposed rule, utilities will have to file as a case, compared to the current JE filing. Staff estimates costs for each utility: 2 hrs Atty @ \$125/hr. = \$250.	20 CSR 240-20.060(11)(A)	Utilities make biannual tariff filings with standard contracts & standard rates	\$3000 - \$30,000 biennially	\$250 biennially	\$250 biennially
20 CSR 240-20.060(11)(B)	Utilities make avoided cost & capacity plans publicly available	\$500 annually	\$0	\$0	\$0	\$0	This is an existing requirement under 18 C.F.R. 292.302(b) (PURPA) implementing

20 CSR 240-20.060(11)(C)	Utilities maintain & aggregate circuit & feeder data	\$5,000 - \$10,000 annually	\$770 annually	\$770 annually	\$900 annually	<b>\$2,440 annually</b>	regulation) and 4 CSR 240-3.155(4). Rule does not require additional software purchases. Staff's estimated recurring costs: 4 hrs Analyst @ \$50/hr and 4 hrs Engineer @ \$80/hr. \$320 + \$250 = \$770.
<b>TOTAL</b>	<b>Annually:</b>	<b>\$5,500 - \$10,000</b>	<b>\$1,760</b>		<b>\$1,760</b>	<b>\$1,890</b>	<b>\$5,410</b>
<b>Biennially:</b>	<b>\$8,000 - \$60,000</b>	<b>\$950</b>		<b>\$950</b>		<b>\$1,125</b>	<b>\$3,025</b>
<b>ANNUALIZED</b>		<b>\$17,000 - \$70,500</b>				<b>\$7,000</b>	

Staff annualized by adding half of biennial costs to annual costs.