

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

In the Matter of a Proposed )	
Rulemaking to Amend Commission )	Case No. EX-2009-_____
Rule 4 CSR 240-20.065. )	

**MOTION FOR FINAL ORDER OF RULEMAKING**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through its General Counsel, pursuant to Section 536.016, RSMo 2000, and for its Motion for Final Order of Rulemaking states:

1. In 2007 the Missouri Legislature repealed the *Consumer Clean Energy Act* that was codified as Section 386.887 of the Revised Statutes of Missouri and, in lieu thereof, enacted the *Net Metering and Easy Connection Act*, which is codified as Section 386.890 RSMo Supp. 2007.

2. The Commission’s previous rule 4 CSR 240-20.065 complied with the requirements of the *Consumer Clean Energy Act*, but was inconsistent with the now effective *Net Metering and Easy Connection Act*. The *Net Metering and Easy Connection Act* provides that the Commission “shall, within nine months of January 1, 2008, promulgate initial rules necessary for the administration of this section [the *Net Metering and Easy Connection Act*] for public utilities, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering.” Section 386.890.9, RSMo Supp. 2007.

3. In addition to the specific rulemaking authority given in the *Net Metering and Easy Connection Act*, the Commission has more general rulemaking

authority through sections 386.250(6) and 386.250(7) of the Revised Statutes of Missouri.

4. Pursuant to the aforementioned rulemaking authority, and for the reasons stated above, the Commission on October 23, 2008, amended 4 CSR 240-20.065 to carry out the Legislature's directive in the *Net Metering and Easy Connection Act*.

5. However, in amending 4 CSR 240-20.065 as aforesaid, the Commission included certain liability insurance requirements that it now believes are undesirable and contrary to the purposes of the statute that granted the rulemaking authority.

6 Section 536.016 RSMo 2000 requires a state agency to find, based upon substantial evidence on the record, that a rule is necessary to carry out the purposes of the statute that granted the rulemaking authority.

**WHEREFORE**, the Staff respectfully requests that the Commission find that an amendment to rule 4 CSR 240-20.065 is necessary to make the rule compliant with the *Net Metering and Easy Connection Act*.

Respectfully submitted,

s/ Kevin A. Thompson  
**Kevin A. Thompson**  
General Counsel  
Missouri Bar No. 36288  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-6514 (Telephone)  
(573) 526-6969 (Fax)  
kevin.thompson@psc.mo.gov (e-mail)