

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

In the Matter of the Consideration and Implementation)
of Section 393.1075, the Missouri Energy Efficiency)
Investment Act)

File No. EX-2010-0368

**LIST OF LEGAL ISSUES AND CONCERNS OF
MDNR, NRDC, GRELC, Renew Missouri**

In its order of August 25, the Commission invited participants to file lists of legal issues and concerns they may have with the August 24 version of the rules. The Department of Natural Resources, Natural Resources Defense Council, Renew Missouri and Great Rivers Environmental Law Center submit the following:

1. Does the MEEIA authorize cost-recovery outside a general rate case, as presently authorized by draft rule 4 CSR 240-20.093(4)?
2. Can the MEEIA be subordinated to Chapter 22 as it is in the following respects: (a) Can program approval be made contingent on passing integration under 22.060 as it is in draft rule 20.094(3)(A)3; (b) can the demonstration of cost-effectiveness be allowed to depend on the results of integration as allowed by draft rule 3.164(2)(B)3; and (c) is the avoided cost methodology of the MEEIA the same as that in the preferred resource plan as assumed in draft rule 20.093(1)(F)?
3. Is the draft rule consistent with the MEEIA in allowing no mechanism to remove the throughput disincentive, or is such a mechanism necessary to align utility and customer incentives under § 393.1075.3(2)?

4. Does “progress toward an expectation” of meeting a goal of all cost-effective demand-side savings, as in draft rule 20.094(2) and 3.164(2)(D), satisfy the statutory goal in § 393.1075.4 of “achieving” all cost-effective savings?

/s/ Henry B. Robertson

Henry Robertson (Mo. Bar No. 29502)

Great Rivers Environmental Law Center

705 Olive Street, Suite 614

St. Louis, MO 63101

(314) 231-4181

(314) 231-4184 (facsimile)

www.greatriverslaw.org