

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

In the Matter of the Proposed Amendment of	)	
4 CSR 240-20.065 and 4 CSR 240-20.100	)	Case No. EX-2014-0352
Regarding Net Metering and Renewable	)	
Energy Standard Requirements.	)	

**COMMENTS OF THE OFFICE OF THE PUBLIC COUNSEL**

COMES NOW the Missouri Office of the Public Counsel (“OPC” or “Public Counsel”) and offers the following Comments on the proposed Order of Rulemaking concerning 4 CSR 240-20.065, Net Metering and 4 CSR 240-20.100, Electric Utility Renewable Energy Standards Requirements:

**ISSUES**

1. The definition of “operational” in proposed rule 4 CSR 240-20.065(1)(G) is objectionable in that a utility may choose to delay the operational status of a customer’s system until after July 1 of a given year, thereby reducing the customer’s entitlement to a rebate. The phrase “can be measured” is preferable to the phrase “has been measured” from a consumer perspective.
2. In the Interconnection/Application Agreement, Paragraph D(5)(c), the phrase “minimum bill” is utilized when, in lieu thereof, the phrase “customer charge” should remain. The phrase “minimum bill” is undefined and the definition for what that phrase might mean is not shared among stakeholders. An undefined and ill-understood phrase such as “minimum bill” in this context may foster a utility effort to expose customers entering into this agreement a number of charges, whether those charges are related to the individual customer’s cost structure. Opening the door to such a broad policy shift, if at all advisable, should only come after substantial deliberation in a separate proceeding.

3. Proposed rule 4 CSR 240-100(4)(L), adds language stating that customer-generators have up to twelve (12) months from “when they apply” for a solar rebate to confirm the operational status of the customer-generator’s system. Rather, the language in this rule should mirror that which is found in 4 CSR 240-20.065, which provides that the twelve-month period begins when the customer “receives notice of the approval of its application from the utility.”
4. Proposed rule 4 CSR 240-100(5) fails to account for the effect of the lost billing units attributable to Renewable Energy Standard compliance on Retail Rate Impacts. Where RES compliance efforts result in a reduction in number of billing units from a utility’s system – such as might occur when a customer generates renewable energy on their premises – that reduction will have a retail rate impact on all customers because they will be required to pay more per billing unit to make the utility whole for its fixed costs of service. The rules should incorporate language recognizing and accounting for this component of retail rate impacts.
5. Proposed rule 4 CSR 240-100(5)(B) provides for the double-subtraction of fuel and environmental compliance costs in the calculation of retail rate impacts. Fuel and environmental compliance costs should be counted only once, and that occurs when the incremental non-renewable generation and purchased power portfolio is subtracted from the incremental RES-compliant generation and purchased power portfolio. The rule later articulates how to account for fuel cost reductions and avoided environmental compliance costs. In doing so, the rule appears to require accounting for those avoided costs twice in calculating retail rate impacts. The rule should make clear that such costs are to be accounted for only once.

6. Proposed rule 4 CSR 240-100(8)(F) should be revised to add clarity that when a utility files a RES compliance report and/or RES compliance plan which does not comport with the rules, the parties need not resort to filing a complaint case. Rather, the Commission should clarify in the rules that it has the authority to issue an order directing any deficiencies be corrected before a compliance report or plan may be approved. Further, the Commission should provide an avenue for the parties to avoid disputes through the use of a detailed procedural schedule which permit the parties to meet and confer, and for a hearing before the Commission if necessary.

Sincerely,

OFFICE OF THE PUBLIC COUNSEL

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record on this 1<sup>st</sup> day of June, 2015:

/s/ Dustin J. Allison