BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Working Case to Review	)	
The Commission's Missouri Energy	)	
Efficiency Investment Act (MEEIA) Rules	)	**Docket No. EW-2015-0105**
4 CSR 240-3.163, 4 CSR 240-3.164,	)	
4 CSR 240-20.093, and 4 CSR 240-20.094.	)	

BRIGHTERGY, LLC'S SECOND SET OF
COMMENTS AND SUGGESTED CHANGES

COMES NOW Brightergy, LLC, and for its Second Set of Comments in this rulemaking workshop, states the following:

1. Brightergy reiterates the comments made in its initial filing in this docket on November 14, 2014.

2. Brightergy's specific suggestions are noted in the redlined rules filed along with these Comments.

3. Generally, Brightergy supports program certainty and each utility's ability to fully recover program costs to support efficiency spending. Policies which provide certainty that a utility will realize full recovery of its program costs encourages those utilities to aggressively roll out efficiency programs. Utility commitment to an aggressive efficiency program over a multi-year timespan is the best path to encourage consumers to make large investments in efficiency projects, and to promote stable employment among the contractors and trade allies who market and install projects.

4. Brightergy continues to support the inclusion of combined heat and power ("CHP"). As noted by several parties, the simplest way to indicate its inclusion is to name it specifically in the definition of "demand-side program" under 4 CSR 240-20.092(K). Also as noted by several stakeholders in this workshop, including Kansas City Power & Light, there is a clear argument that the current wording of the statute as mirrored by the rule currently permits this technology. Brightergy's argument for specific inclusion of CHP in the rule is not an

admission that it is currently not permitted. Rather, it is a recognition that there is some confusion over the question which is leading to a reluctance on the part of utilities and consumers to aggressively pursue projects utilizing these technologies. Specific inclusion in this definition will remove that uncertainty and allow all parties to begin planning for CHP installation.

5. Brightergy supports the addition to 4 CSR 240-20.093(14)(A) and (B) allowing parties granted intervention in a docket in which a DSIM program is approved to be participants in subsequent related rate adjustment proceedings without filing another application for intervention. This will allow interested stakeholders to maintain involvement in the ongoing proceeding, and cut down on unnecessary paperwork for the Commission. Empire District Electric has suggested allowing intervention as of right in the subsequent rate proceedings, but requiring parties to opt-in if they wish to participate. Brightergy does not oppose this addition to the process.

6. Brightergy supports the most recent amendments to 4 CSR 240-20.094(5)(A). Following the discussion of the program change process at the May 12, 2015 workshop. Notification to stakeholders, a 30-day evaluation period, and the opportunity for a hearing are all critical elements in the process. Each will provide certainty to consumers and the trade allies who complete the MEEIA projects. Without this timeframe and input, consumers will be unable to engage in the long-term financial planning for such projects which is necessary for most businesses.

7. Utilities should be required, upon request of the customer and a contractor, to assign an efficiency incentive payment directly to the contractor which performed the work. There is nothing in the current rule either prohibiting or specifically allowing such a practice, but at least one utility currently allows assignments to contractors. This is not burdensome obligation to the utility, and will streamline the payment process and encourage further investments by ensuring timely payment to contractors who perform the work.

8. The rules should also require incentive payments that are based on kWh saved to use the kWh savings over the useful life of the measure rather than the first year savings. Focusing incentive payments on only the first year savings discourages participants from

investing in deeper, longer-term retrofits. This will also encourage long-term efficiency investments by consumers.

9. Brightergy also suggests permitting utilities to exceed program budget by up to 40% without Commission approval. The Commission should use all possible avenues to encourage utilities to meet the public policy goals set out in the MEEIA statute, and this change is another method to allow utilities to increase their investment in efficiency programs.

10. Finally, the rules should include a permissible time frame for utilities to make incentive payments to customers. This may be different for each measure (e.g. Standard Program payments could be made sooner than Custom Program payments), but they should not be left open-ended. This is causing a financial strain on many customers who use the incentive programs to finance measures they would not otherwise be in a position to pursue and are waiting in excess of 120 days for their incentive payments.

WHEREFORE, Brightergy respectfully requests the Commission and stakeholders to consider its comments and revisions, and to incorporate both into the upcoming discussions on these rules.

Dated May 22, 2015

Respectfully submitted,

_/s/ *Andrew J. Zellers*____________________

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