

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

In the Matter of the Consideration of Adoption       )  
Of the PURPA Section 111(d)(11) Net Metering       )       Case No. EO-2006-0493  
Standard as Required by Section 1251 of the       )  
Energy Policy Act of 2005.       )

**AMERENUE'S POSITION ON THE APPLICABILITY  
OF THE PRIOR STATE ACTION EXEMPTION TO  
PURPA'S NET METERING STANDARD**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and for its expert's position statement on the question of the applicability of the prior state action exemption for the above-named PURPA standard, states as follows:

1. On March 15, 2007, the Missouri Public Service Commission (Commission) issued its *Order Establishing a Procedural Schedule for On-The-Record Presentations* (Order). This Order required parties to file position statements on the question of the applicability of the prior state action exemption to the PURPA standards in question.

2. AmerenUE's expert on this issue is Wilbon Cooper. Mr. Cooper's biographical background was filed in this docket on April 6, 2007 and he will be present at the April 25, 2007 proceeding.

3. As the Commission is aware, PURPA ¶112(a) provides that state commissions do not have to consider a standard if, prior to the enactment of EAct 2005, the state has implemented the standard or a comparable standard, if the state commission has held a proceeding considering the standard or a comparable standard or if the state's legislature has voted on the implementation of the standard or a comparable standard.

4. PURPA's net metering standard reads as follows:

Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period. (PURPA §111(d)(11)).

5. The prior state action exemption is applicable to this PURPA standard and the Commission should close the docket without taking further action.

6. The Missouri Legislature has considered and implemented standards for net metering. Specifically, this issue is addressed in § 386.887 RSMo (Cum. Supp. 2006), entitled the Consumer Clean Energy Act.<sup>1</sup> This Act sets standards for the interconnection of qualified net metering units with electric utilities in the State of Missouri. Further, the Commission has considered and adopted regulations for net metering and interconnection in 4 CSR 240-20.065 et. seq. This is also sufficient to qualify as prior state action.

7. The net metering standards contained within the above cited statute and rules are the same as, or are sufficiently comparable to, the standards which the Commission would consider under EAct 2005. They provide for net energy metering and establish standards for measuring electric generation by consumers as well as for billing and crediting the consumer for such generation. Consequently, they address each issue contained within the EAct 2005 section on net metering.

8. Several parties in this docket, in previous filings, have argued that the current statute does not require the use of a single meter that records only the net

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<sup>1</sup> Not only does a statute already exist, but additional legislation under consideration, which may or may not become law, that would also meet the standard. See *Missouri House Bill 869* and *Missouri Senate Bill 674*

consumption of the generation of power. While this statement is true, there is no requirement under the PURPA standard for single metering, but, rather that there be an offsetting of electric energy provided by the utility to the electric consumer. The PURPA standard states that a net metering standard should provide for a "...offset to electric energy provide by the electric utility to the electric consumer during the applicable billing period." (PURPA §111(d)(11)). The existing Missouri statute and Commission rules require individual metering of the generator and the load and a credit for the net value of the electric energy delivered to the retail power supplier. This is consistent with the PURPA standard. The proper comparison is not between a party's desired net metering rule and the current law and rules, but rather between the PURPA standard and the current statute and Commission rule on net metering. If the standard and prior state action are the same or similar, the Commission is not required to take any further action. As delineated above, the current net metering statute and Commission rules are the same as or are similar to the PURPA standard and thus qualify as prior state action which allows the Commission to terminate these proceedings.

9. Accordingly, as the prior state action exemption in PURPA §112(a) has been met, no further action is required. The Commission is not obligated to undertake any further consideration of this standard and should make a finding as such and close the case.

WHEREFORE, AmerenUE respectfully requests that the Commission issue an order finding that the prior state action exemption in PURPA §112(a) has been met and that no further action is required. Further, AmerenUE requests that this case be closed.

Respectfully submitted,

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d/b/a AmerenUE

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13<sup>th</sup> day of April, 2007.

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