

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

In the Matter of the Consideration of Adoption)
Of the PURPA Section 111(d)(15) Interconnection) Case No. EO-2006-0497
Standard as Required by Section 1254 of the)
Energy Policy Act of 2005.

**AMERENUE'S POSITION ON THE APPLICABILITY
OF THE PRIOR STATE ACTION EXEMPTION TO
PURPA'S INTERCONNECTION 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 interconnection standard reads as follows:

Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term ‘interconnection service’ means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state regulatory agencies. All such agreements and procedures shall be just and reasonable, and no unduly discriminatory or preferential. (PURPA §111(d)(15)).

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 State of Missouri’s legislature has considered and implemented standards for interconnection. Specifically, it is addressed in § 386.887 RSMo (Cum. Supp. 2006), entitled the Consumer Clean Energy Act. 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. Either action is sufficient to qualify as prior state action under EAct 2005.

7. The interconnection standards contained within the above-cited statute and rules are the same, or are comparable to, the standards which the Commission would consider under EAct 2005. These standards provide for the interconnection of electric generators to a utility system and, consequently, qualify as prior state action.

8. Several parties in this docket, in previous filings, have argued that the current statute does not qualify as prior state action because it does not adopt IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems. While the parties can point to this one difference, there is no requirement that the previous state action be exactly the same as the PURPA standard. The exemption only requires that there be prior state action that is similar. The existing Missouri statute and Commission rules on interconnection are similar to the PURPA standard. The proper comparison is not between a party's desired interconnection rule and the current law and rules, but rather between the PURPA standard and the current statute and Commission rule on interconnection. If the standard and prior state action are the same or similar, the Commission is not required to do anything further. As delineated above, AmerenUE believes that the current statutes and Commission rules are the same or sufficiently similar to qualify as prior state action and to allow 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,

UNION ELECTRIC COMPANY
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 13th day of April, 2007.

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