

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

In the Matter of the Consideration of Adoption	)	
Of the PURPA Section 111(d)(12) Fuel Sources	)	Case No. EO-2006-0494
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 FUEL SOURCE 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 Richard Voytas. Mr. Voytas’ biographical background was filed in this docket on April 6, 2007, and he will be present at the April 27, 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. The PURPA fuel sources standard reads as follows:

Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies. (PURPA §111(d)(12)).

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

6. The Commission has adopted Electric Utility Resource Planning (IRP) rules which set forth standards for resource planning for utilities. 4 CSR 240-22.010, et. seq. Specifically, 4 CSR 240-22.040 establishes minimum standards for the scope and level of detail required in supply-side resource analysis. “The analysis of supply-side resources shall begin with the identification of a variety of potential supply-side resource options which the utility can reasonably expect to develop and implement...” 4 CSR 240-22.040(1). The rule also requires the utility to develop fuel price forecasts for its primary fuel and for any alternative fuel that may be practical as a contingency option. 4 CSR 22-040(8)(A).

7. The planning process required by the Commission’s IRP rules requires the consideration of more than one fuel source and, accordingly, supports a determination that the prior state action exemption applies. These IRP rules are consistent with PURPA’s goal of ensuring that more than one fuel source is analyzed by utilities and should suffice as prior state action in this area.

8. 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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April 13, 2007

## 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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