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Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings. The Public Service Commission amends Sections (3), (4) and (6)

PURPOSE: This amendment clarifies the timing of the cogeneration tariff filings. It also changes the reference to the public service commission in this rule to be consistent with the definition of commission in the definition rule (4 CSR 240-3.010) of this chapter.

(1) Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

(2) All regulated electric utilities shall--

(A) File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems[.]; that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities. For the purposes of this rule, rate means any price, rate, charge or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity or any rule or practice respecting any such rate, charge or classification and any contract pertaining to the sale or purchase of electric energy or capacity;

(B) Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract; and

(3) All tariffs and other data required to be prepared and filed by electric utilities under the provisions of sub-section (1) shall be submitted no later than [*September 15, 1981,*] **January 15, 2005** and updated and revised on or before January 15[, 1983 and not less than every two (2)] **of every odd numbered year[s]** after that, unless otherwise ordered by the commission.

(4) **In order to [To]** make available data from which avoided costs may be derived, not later than [*September 15, 1981, and updated and revised on or before*] **January 15, [1983] 2005**, and [*not less than every two (2) years*] **on or before January 15 of every odd numbered year** after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the [*Public Service Commission (PSC)*] **commission** and shall maintain for public inspection the following data:

(A) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of not more than one hundred (100) megawatts for systems with peak demand of one thousand (1,000) megawatts or more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1,000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during

daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years;

(B) The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and

(C) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt-hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(5) Special Rule for Small Electric Utilities.

(A) Each electric utility (other than any electric utility to which subparagraph (5) (A)2. applies) upon request shall--

1. Provide comparable data to that required under section (2) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in section (2); or

2. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

(B) If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.

(6) Commission [PSC] Review.

(A) Any data submitted by an electric utility under this section shall be subject to review by the [PSC] commission.

(B) In any such review, the electric utility has the burden of coming forward with justification for its [data] projections.

(7) Implementation of Certain Reporting Requirements. Any electric utility which fails to comply with the requirements of subsection (1)(B) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the Federal Energy Regulatory Commission's (FERC's) regulations issued under Section 133 of PURPA.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed May 1, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before October 2, 2003, and should include a reference to Commission Case No. EX-2003-0367. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 8, 2003, at 10:00 a.m. in Room 310 of the

Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.
