

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

In the Matter of Proposed Rulemaking
Concerning Cogeneration Tariff filings.)

Case No. EX-2003

MOTION FOR FINDING OF NECESSITY FOR RULEMAKING

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through its Office of General Counsel, pursuant to section 536.016 RSMo 2000, and for its Motion For Finding Of Necessity For Rulemaking, respectfully states as follows:

1 Section 536.016 RSMo 2000 provides that a state agency shall propose rules based upon "a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority."

2. Pursuant to Section 393.140 RSMo 2000, Commission Rule 4 CSR 240-20.060 implements Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 regarding small power production and cogeneration. Rule 4 CSR 240-3.155, which will go into effect on April 30, 2003, sets out the requirements for electric utility cogeneration tariff filings, which requirements were formerly included in 4 CSR 240-20.060. Currently, the dates for the tariff filings and associated data submissions are not clearly defined.

3. Attached as Appendix A is the Staff's notarized affidavit concerning the necessity for this rulemaking.

WHEREFORE, the Staff respectfully requests that the Commission find that the proposed rulemaking is necessary.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Dennis L. Frey

Dennis L. Frey
Senior Counsel
Missouri Bar No. 44697

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 31st day of March 2003.

/s/ Dennis L. Frey

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AFFIDAVIT

1 The requirements for filing of electric utility cogeneration tariffs were recently moved from 4 CSR 240-20 Electric Utilities (Chapter 20) to 4 CSR 240-3 Filing and Reporting Requirements (Chapter 3), which will become effective on April 30, 2003.

2. Review of the cogeneration tariff filings revealed some confusion between the Staff (Staff) of the Missouri Public Service Commission (Commission) and the electric utilities regarding the question of when the electric utilities are required to file cogeneration tariffs and to submit the data supporting the proposed tariffs.

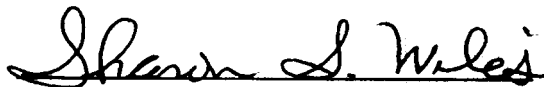
3. Resolution of this question by Commission rule will allow the electric utilities and the Staff to conduct business more efficiently and may also reduce the potential for disputes.

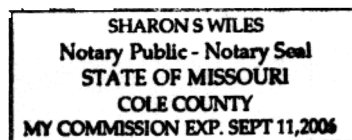
I certify that I have read the foregoing statement and that the facts therein are complete, true and accurate to the best of my knowledge and belief.


Affiant

Subscribed and sworn to before me, the undersigned notary public on

March 26, 2003





Appendix A