

**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.)

**RESPONSE OF AMERENUE TO STAFF'S SUGGESTIONS
REGARDING FUTURE PROCEEDINGS**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and for its response to *Staff's Suggestions Regarding Future Proceedings* states as follows:

I. BACKGROUND

1. On June 23, 2006, the Missouri Public Service Commission (Commission) established this case to consider and make a determination as to whether to adopt the net metering standard established in Section 1251 of the Energy Policy Act of 2005 (EPAAct 2005). Specifically, the net metering standard, the standard in question, requires the Commission to make a determination as to whether

Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposed 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 provide by the electric utility to the electric consumer during the applicable billing period. (PURPA §111(d)(11)).

2. On September 15, 2006, AmerenUE and other parties in this case filed response to a list of questions found in the Commission order of August 17, 2006.

3. On September 22, 2006, a technical conference was held for the purpose of determining whether a consensus could be reached on how this case should proceed.

4. On September 29, 2006, Staff made a filing titled *Staff's Suggestions Regarding Future Proceedings*. While the pleading restated Staff's position that this case could be closed

based on prior state action, specifically Section 386.887 RSMo (Cum. Supp. 2006) and 4 CSR 240-20.065, it also recommended the following actions be taken if the case is not closed: that an EX case be opened to consider limited revisions to Rule 4 CSR 240-20.065; that an EW case be opened to consider recommending revisions to Section 386.877 RSMo (Cum. Supp. 2006); and that this case remain open to allow the Commission to adopt the recommended changes to 4 CSR 240-20.065 that may result from the EX case.

II. AMERENUE'S REPONSE

5. As it stated in its September 15, 2006 pleading, AmerenUE also believes that this case may be closed by the Commission without further consideration of the above cited standard because of prior state action. The legislature of the State of Missouri has already considered and implemented standards for net metering. As Staff points out, this issue was 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. This is also sufficient to qualify as prior state action.

6. Certain parties have argued that the net metering standard is not precisely the same as the standards contained within EAct 2005 and thus does not qualify as prior state action. AmerenUE disagrees with this overly strict interpretation of EAct 2005. There is no requirement that the states adopt the exact language of the EAct 2005 standard. EAct 2005 uses the phrase "comparable standard" when discussing the prior state action exemption. In fact, EAct 2005 defines a prior state action to include the scenario when a standard has been considered and not adopted. The net metering standards contained within the above cited statute and rules are sufficiently comparable to the standards which the Commission would consider

under EAct 2005. They provide for a method of net energy metering and establish standards for measuring electric generation by consumers as well as for billing and crediting the consumer for such generation. This addresses the issues contained within the EAct 2005 section on net metering.

7. As the prior state action exception in PURPA §112(a) has been met, 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 accept this Response to the *Staff Suggestions Regarding Future Proceedings* and find that (a) it has no obligation to consider the net metering standard found within Section 1251 of EAct 2005 because of prior state action on this topic; (b) that the prior state action adequately addresses this topic; and (c) that this case should be closed.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

By Thomas M. Byrne
Steven R. Sullivan, #33102
Sr. Vice President, General
Counsel and Secretary
Thomas M. Byrne, # 33340
Managing Assoc. General Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-2514 (phone)
(314) 554-4014 (fax)
ssullivan@ameren.com
tbyrne@ameren.com

Dated: October 13, 2006

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 October, 2006.

Thomas M. Byrne

Thomas M. Byrne

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Dennis Frey
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Denny.Frey@psc.mo.gov

James M. Fischer
Kansas City Power & Light Company
101 Madison--Suite 400
Jefferson City, MO 65101
jfischerpc@aol.com

David Woodsmall
AG Processing, Inc
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65102
dwoodsmall@fcplaw.com

Stuart W. Conrad
AG Processing, Inc
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

Russell L. Mitten
Aquila Networks
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Diana M. Vuylsteke
Missouri Industrial Energy Consumers
211 N. Broadway, Suite 3600
St. Louis, MO 63102
dmvuylsteke@bryancave.com

Henry B. Robertson
Audubon Missouri
705 Olive Street
Suite 614
St. Louis, MO 63101
hrobertson@greatriverslaw.org

Kathleen G. Henry
Audubon Missouri
705 Olive Street, Suite 614
St. Louis, MO 63101
khenry@greatriverslaw.org

Shelly Woods
Missouri Department of Natural Resources
P.O. Box 899
Jefferson City, MO 65102-0899
shelley.woods@ago.mo.gov

Curtis D. Blanc
Kansas City Power & Light Company
1201 Walnut, 20th Floor
Kansas City, MO 64106
Curtis.Blanc@kcpl.com