

Holsman, Laura

From: Rogers, John
Sent: Monday, January 04, 2010 10:28 AM
To: Holsman, Laura
Cc: Sundermeyer, Susan
Subject: FW: Draft of 4 CSR 240-22 Rule Revisions - And Request for Comments

Laura:

Please file this email in EW-2009-0412.

Thanks,

John

From: John Noller [mailto:john.noller@dnr.mo.gov]

Sent: Wednesday, December 30, 2009 11:03 AM

To: Rogers, John

Cc: 'Ajay Arora'; Mckinnie, Adam; 'Alex Pennock'; 'Allen Dennis'; 'Anne McKibbin'; 'Andrew Meyer'; 'April Shepherd'; Adrian, Barb; 'Beth Burka'; 'Beth O'Brien'; 'Bill Roush'; 'Brad Klein'; 'Barry Matchett'; 'Brett McLean'; 'Barry Dicker'; 'Blake Mertens'; Carlson, Bob; 'Brad Lutz'; Wilbers, Brenda; 'Brent Ross'; 'Billie Sue LaConte'; 'Beth Soholt'; 'Burton Crawford'; 'Frank Lewon'; 'Cara Schaefer'; 'Cara Shaefer'; 'Charles Peoples'; Pappas, Charles; Voss, Cherlyn; 'Chuck Strickland'; 'Carl Lumley'; 'Colin Murchie'; 'Billie LaConte'; 'Craig Wetmore'; Eaves, Dana; 'Dane Glueck'; Beck, Dan; 'David Overfelt'; Elliott, David; Roos, David; 'Dan Chiles'; 'Doug Healy'; 'Duane Highley'; 'D. J. Linton'; 'Dave Kreimer'; 'Dan Laurent'; 'Dianna M. Vuylsteke'; 'Donald Johnstone'; Brown, Doyle; 'Ed Matthews'; 'Ed Hedges'; 'Ed Downey'; 'Erin Noble'; 'Eric Swillinger'; 'Eric Thumma'; 'George McCollister'; 'Greg Meyer'; 'David Weisman'; 'Gaye Suggett'; 'Hans Detweiler'; 'Henry Rentz'; 'Bill Roush'; 'Henry Robertson'; 'Heather Starnes'; 'Jim Okenfuss'; 'Watkins, James'; Wheeler, Janet; 'Jesse Bermel'; 'Jill Cornett'; 'Joyce Davidson'; 'Jeff Lewis'; Hernandez, Jennifer; 'Hagemeyer, Jeremy'; 'Jim Fischer'; Josh Harden (jktharden@gmail.com); 'Jayna Long'; 'Judd Moritz'; 'Johann Scheidt'; 'John Ervin'; 'John Coffman'; 'Stacey L Johnson'; 'John Grimwade'; Rogers, John; 'Joseph O'Donnell'; Harden, Joshua; Neuner, Joyce; 'Jeff Reinkemeyer'; 'Juan Gutierrez'; 'Keith Beall'; 'Kari Decker'; 'Khristine Heisinger'; 'Kathleen Henry'; 'Kathleen Logan Smith'; 'Kelly Walters'; 'Karl Zobrist'; 'Laura Becker'; Mantle, Lena; Bender, Leon; Mills, Lewis; 'Lars Kvale'; 'Lisa Langeneckert'; 'Lois Liechti'; 'LuAnn Madsen'; Hughes, Mark; 'Mark Lawlor'; Oligschlaeger, Mark*; 'Marvin Rollison'; Barnes, Matthew; 'Matthew Brown'; 'Maurice Brubaker'; Mendl, Jerry; 'Michelle Harris'; 'Mike Revak'; 'Michael McCabe'; 'Mike Bollenbach'; 'Proctor, Mike'; 'Sierra Club Missouri Chapter'; 'Matt Michels'; 'Mike Whitmore'; Dietrich, Natelle*; 'Nickie Lee'; 'Travis Creswell'; Eichelberger, Pam; 'Patrick McNamara'; 'Pete Curtice'; 'Phil Wright'; 'P. J. Wilson'; 'Paula Haskin'; 'Nathan Jones'; 'Randy Hughes'; 'Roger Clark'; Rick D. Chamberlain; 'Rob Freeman'; 'Bob Gardner'; Moore, Richard; 'Rex Jenkins'; 'Jay Hasheider'; 'Rob Land'; 'Bob Miller'; 'Russ Mitten'; 'Robert Boyd'; 'Ron McLinden'; 'Steve Gaw'; 'Roger Steiner'; 'Ron Stimmel'; Trippensee, Russ; 'Richard Voytas'; 'Robert Willen'; 'Richard Wright'; Kind, Ryan; 'Steve Capanna'; 'Scott Miller'; 'Shaun Chapman'; Viebrock, Shelley; Woods, Shelley; Gregory, Sheryl; 'Stephen Kidwell'; 'Bill Loesch'; 'Hank Stelzer'; Dottheim, Steve; 'Stuart Conrad'; 'Susan Brown'; Sundermeyer, Susan; 'Terry Hilgedick'; 'Tim Michels'; 'Tim Rush'; 'Troid Edwards'; Todd Tarter; 'Tim Wilson'; 'Tony Robyn'; 'Vaughn Prost'; 'Wade Miller'; 'Warren Wood'; 'Bill Barbieri'; 'Wil Cooper'; 'Bill Davis'; 'Wenbin Li'; 'Wendy Tatro'; 'Yuri Horwitz'; 'Zeina El-Azzi'; 'Zeke Fairbank'

Subject: Re: Draft of 4 CSR 240-22 Rule Revisions - And Request for Comments

Two proposals for revision of 4 CSR 240-22.080(8) appear in the MDNR comments that were distributed yesterday. The proposals differ because they focus on different issues.

(1) Proposed revision on page 11, focused on revisions to permit OPC and intervenors to comment on "substantive concerns"

(8) Also within one hundred fifty (150) days after an electric utility's triennial compliance filing pursuant to this rule, the public counsel and any intervenor may file a report or comments. The report or comments, based on a limited review, may identify any deficiencies or concerns which the public counsel or intervenor believes could prevent the utility's resource acquisition plan from effectively fulfilling the objectives of the electric resource planning rules, and may identify substantive concerns as defined in this rule related to the substantive reasonableness of the preferred resource plan or resource acquisition strategy.. Public counsel or intervenors may provide suggested remedies for any identified deficiencies or concerns.

(2) Proposed revision on page 20, focused on revisions to provide OPC and intervenors with the same scope of review as Staff:

(8) Also within one hundred fifty (150) days after an electric utility's triennial compliance filing pursuant to this rule, the public counsel and any intervenor may file a report or comments. The report or comments, based on a limited review, may identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any major deficiencies in the methodologies or analyses required to be performed by this chapter and any other deficiencies and may provide suggested remedies for any identified deficiencies. The report may also identify concerns with the utility's triennial compliance filing and may provide suggested remedies for any identified concerns.

For clarification, a proposed revision of 4 CSR 240-22.080(8) is provided below incorporating MDNR's proposed revisions for resolving both these issues:

(8) Also within one hundred fifty (150) days after an electric utility's triennial compliance filing pursuant to this rule, the public counsel and any intervenor may file a report or comments. The report or comments, based on a limited review, may identify any deficiencies in the electric utility's compliance with the provisions of this chapter, any major deficiencies in the methodologies or analyses required to be performed by this chapter and any other deficiencies and may provide suggested remedies for any identified deficiencies. The report may also identify concerns with the utility's triennial compliance filing, may identify substantive concerns as defined in this rule related to the substantive reasonableness of the preferred resource plan or resource acquisition strategy. and may provide suggested remedies for any identified concerns.

John Noller
Planner
Energy Center
Department of Natural Resources
PO Box 176
Jefferson City MO 65102
573 526 3769 voice
573 751 6860 fax
john.noller@dnr.mo.gov

From: "Rogers, John" <John.Rogers@psc.mo.gov>

To: "Adrian, Barb" <barb.adrian@psc.mo.gov>, "Brad Lutz" <brad.lutz@kcpl.com>, "Cara Schaefer" <cara.schaefer@cityutilities.net>, "Eichelberger, Pam" <pam.anderson@psc.mo.gov>, "Elliott, David" <david.elliott@psc.mo.gov>, "George McCollister" <george.mccollister@kcpl.com>, "Gregory, Sheryl" <sheryl.gregory@psc.mo.gov>, "Hagemeyer, Jeremy" <jeremy.hagemeyer@psc.mo.gov>, "Harden, Joshua" <Joshua.Harden@psc.mo.gov>, "Hernandez, Jennifer" <jennifer.hernandez@psc.mo.gov>, "Hughes, Mark" <mark.hughes@psc.mo.gov>, "Jill Cornett" <JCornett@indepmo.org>, "Joseph O'Donnell" <joseph.odonnell@kcpl.com>, "Josh Harden (jkharden@gmail.com)" <jkharden@gmail.com>, "Laura Becker" <laura.becker@kcpl.com>, "Moore, Richard" <richard.moore@psc.mo.gov>, "Neuner, Joyce" <joyce.neuner@psc.mo.gov>, "Nickie Lee" <NLee@indepmo.org>, "Proctor, Mike" <mike.proctor@psc.mo.gov>, "Rick D. Chamberlain" <rdc_law@swbell.net>, "Tim Rush" <tim.rush@kcpl.com>, "Todd Tarter" <TTarter@empiredistrict.com>, "Viebrock, Shelley" <Shelley.Viebrock@psc.mo.gov>, "Voss, Cheryl" <cheryl.voss@psc.mo.gov>, "Watkins, James" <james.watkins@psc.mo.gov>, "Wheeler, Janet" <janet.wheeler@psc.mo.gov>, "Ajay Arora" <aarora@ameren.com>, "Alex Pennock" <alex@resource-solutions.org>, "Allen Dennis" <allen.dennis@kcpl.com>, "Andrew Meyer" <ameyer@ameren.com>, "Anne McKibbin" <amckibbin@mwalliance.org>, "April Shepherd" <ashepherd@edf.org>, "Barry Dicker" <bmd@decentenergy.com>, "Barry Matchett" <bmatchett@elpc.org>, "Beck, Dan" <dan.beck@psc.mo.gov>, "Beth Burka" <bburka@energymat.com>, "Beth O'Brien" <beth.o'brien@babcockbrown.com>, "Beth Soholt" <bsoholt@windonthewires.org>, "Bill Barbieri" <wbarbieri@ameren.com>, "Bill Davis" <wdavis2@ameren.com>, "Bill Loesch" <solar1online@charter.net>, "Bill Roush" <hresadmin@heartland-res.org>, "Bill Roush" <billroush@gmail.com>, "Billie LaConte" <consult@drazen.com>, "Billie Sue LaConte" <bsl@drazen.com>, "Blake Mertens" <bmertens@empiredistrict.com>, "Bob Gardner" <rgardner@windcapitalgroup.com>, "Bob Miller" <miller@ameren.com>, "Brad Klein" <bklein@elpc.org>, "Brad Lutz" <brad.lutz@kcpl.com>, "Brent Ross" <bross@aeci.org>, "Brett McLean" <bmclean@empiredistrict.com>, "Brown, Doyle" <doyle.brown@mdc.mo.gov>, "Burton Crawford" <burton.crawford@kcpl.com>, "Cara Schaefer" <cara.schaefer@cityutilities.net>, "Carl Lumley" <clumley@lawfirmemail.com>, "Carlson, Bob" <bob.carlson@ago.mo.gov>, "Charles Peoples" <charlesjpeoples@aol.com>, "Chuck Strickland" <chuck@midamericasolar.com>, "Colin Murchie" <cmurchie@sunedison.com>, "Craig Wetmore" <craig@solysystemscompany.com>, "D. J. Linton" <djlinton@charter.net>, "Dan Chiles" <dchiles@wattsradialgroup.com>, "Dan Laurent" <dlaurent@ameren.com>, "Dane Glueck" <dane@missourisolarliving.com>, "Dave Kreimer" <dkreimer@tradewindenergy.com>, "David Weisman" <greenalternatives@comcast.net>, "David Overfelt" <dave@moretailers.com>, "Dianna M. Vuylsteke" <dmvuylsteke@bryancave.com>, "Donald Johnstone" <donaledcdllc@sbcglobal.net>, "Doug Healy" <dhealy@mpua.org>, "Duane Highley" <dhighley@aeci.org>, "Ed Downey" <efdowney@bryancave.com>, "Pappas, Charles" <charles.pappas@dnr.mo.gov>, "Voss, Cheryl" <cheryl.voss@psc.mo.gov>, "Wilbers, Brenda" <brenda.wilbers@dnr.mo.gov>, "Ed Hedges" <ed.hedges@kcpl.com>, "Ed Matthews" <edward.matthews@kcpl.com>, "Eric Swillinger" <eric@missourisolarliving.com>, "Eric Thumma" <ethumma@iberdrolausa.com>, "Erin Noble" <enoble@moenviron.org>, "Frank Lewon" <bzp@bzproducts.net>, "Gaye Suggett" <gsuggett@ameren.com>, "Greg Meyer" <gmeyer@consultbai.com>, "Hank Stelzer" <stelzerh@missouri.edu>, "Hans Detweiler" <hdetweiler@awea.org>, "Heather Starnes" <hstarnes@spp.org>, "Henry Rentz" <hrentz@movre.com>, "Henry Robertson" <hrobertson@greatriverslaw.org>, "Hughes, Mark" <mark.hughes@psc.mo.gov>, "Jay Hasheider" <rijh@gocolumbiainfo.com>, "Jayna Long" <jlong@empiredistrict.com>, "Jeff Lewis" <jeff@midamericasolar.com>, "Jeff Reinkemeyer" <jreinkemeyer@iberdrolausa.com>, "Mendi, Jerry" <mendl@msbnrg.com>, "Jesse Bermel" <jbermel@iberdrolausa.com>, "Jim Fischer" <jfischerpc@aol.com>, "Jim Okenfuss" <james.okenfuss@kcpl.com>, "Johann Scheidt" <johann.scheidt@fotowatiousa.com>, "John Coffman" <john@johncoffman.net>, "John Ervin" <john@midwestsolaristributors.com>, "John Grimwade" <john.grimwade@kcpl.com>, "Josh Harden" <jkharden@gmail.com>, "Joyce Davidson" <jdavidson@midwestiso.org>, "Juan Gutierrez" <juanguitierrez@siemens.com>, "Judd Moritz" <jmoritz@ameren.com>, "Kari Decker" <kdecker@apx.com>, "Karl Zobrist" <kzobrist@sonnenschein.com>, "Kathleen Henry" <khenny@greatriverslaw.org>, "Kathleen Logan Smith" <klogansmith@moenviron.org>, "Keith Beall" <kbeall@midwestiso.org>, "Kelly Walters" <kwalters@empiredistrict.com>, "Kristine Heisinger" <kheisinger@stinson.com>, "Lars Kvale" <lkvale@apx.com>, "Lisa Langeneckert" <llangeneckert@spvg.com>, "Lois Liechti" <lois.liechti@kcpl.com>, "LuAnn Madsen" <luann@mwimo.com>, "Mantle, Lena" <lena.mantle@psc.mo.gov>, "Mark Lawlor" <mark.lawlor@horizonwind.com>, "Marvin Rollison" <marvin.rollison@kcpl.com>, "Matt Michels" <mmichels@ameren.com>, "Matthew Brown"

<matthew.brown@interenergysolutions.com>, "Maurice Brubaker" <mbrubaker@consultbai.com>, "Michelle Harris" <mharris@spp.org>, "Mills, Lewis" <lewis.mills@ded.mo.gov>, "Noller, John" <john.noller@dnr.mo.gov>, "Oligschlaeger, Mark" <mark.oligschlaeger@psc.mo.gov>, "Rogers, John" <John.Rogers@psc.mo.gov>, "Wheeler, Janet" <janet.wheeler@psc.mo.gov>, "Dietrich, Natelle" <natelle.dietrich@psc.mo.gov>, "Dottheim, Steve" <steve.dottheim@psc.mo.gov>, "Kind, Ryan" <ryan.kind@ded.mo.gov>, "Michael McCabe" <mike@oakleafep.com>, "Mike Bollenbach" <mike.bollenbach@siemens.com>, "Mike Revak" <michael.revak@siemens.com>, "Mike Whitmore" <mwhitmore@ameren.com>, "Moore, Richard" <richard.moore@psc.mo.gov>, "Nathan Jones" <powersourcesolar@sbcglobal.net>, "P. J. Wilson" <pj@renewmo.org>, "Patrick McNamara" <patrick.mcnamara@duke.edu>, "Paula Haskin" <pkhaskin@yahoo.com>, "Pete Curtice" <pete.curtice@positiveenergyusa.com>, "Phil Wright" <philw@mwimo.com>, "Randy Hughes" <randy.hughes@kcpl.com>, "Rex Jenkins" <rjenkins2@ameren.com>, "Richard Voytas" <rvoytas@ameren.com>, "Richard Wright" <rwright@ameren.com>, "Rob Freeman" <rffreeman@tradewindenergy.com>, "Rob Land" <rland@amec.org>, "Robert Boyd" <robert.boyd@ge.com>, "Robert Willen" <rwillen@ameren.com>, "Roger Clark" <rclark@aeci.org>, "Roger Steiner" <rsteiner@sonnenschein.com>, "Ron McLinden" <ronmclinden@yahoo.com>, "Ron Stimmel" <rstimmel@awea.org>, "Russ Mitten" <rmitten@brydonlaw.com>, "Trippensee, Russ" <russ.trippensee@ded.mo.gov>, "Scott Miller" <scott.miller@cityutilities.net>, "Shaun Chapman" <shaun@votesolar.com>, "Sierra Club Missouri Chapter" <missouri.chapter@sierraclub.org>, "Stacey L Johnson" <johnsonstaceyl@johndeere.com>, "Stephen Kidwell" <skidwell@ameren.com>, "Steve Capanna" <scapanna@ase.org>, "Steve Gaw" <rsgaw1@gmail.com>, "Stuart Conrad" <stucon@fcplaw.com>, "Sundermeyer, Susan" <susan.sundermeyer@psc.mo.gov>, "Susan Brown" <susanb@theenergysavingsstore.com>, "Terry Hilgedick" <terry0490@att.blackberry.net>, "Tim Michels" <tim@energysolutions-stl.com>, "Tim Rush" <tim.rush@kcpl.com>, "Tim Wilson" <twilson@empiredistrict.com>, "Todd Tarter" <tarter@empiredistrict.com>, "Tony Robyn" <twrobyn@audubon.org>, "Travis Creswell" <ozsolar@ipa.net>, "Troid Edwards" <troid.edwards@landisgyr.com>, "Vaughn Prost" <vxp@prostbuilders.com>, "Wade Miller" <wade_miller@ameren.com>, "Warren Wood" <warren@missourienergy.org>, "Wenbin Li" <wli@ameren.com>, "Wendy Tatro" <wtatro@ameren.com>, "Wil Cooper" <wcooper@ameren.com>, "Woods, Shelley" <shelley.woods@ago.mo.gov>, "Yuri Horwitz" <yuri@solsystemscompany.com>, "Zeina El-Azzi" <zelazzi@clipperwind.com>, "Zeke Fairbank" <zfairbank@gmail.com>, "Barnes, Matthew" <matthew.barnes@psc.mo.gov>, "Bender, Leon" <leon.bender@psc.mo.gov>, "Eaves, Dana" <dana.eaves@psc.mo.gov>, "Mckinnie, Adam" <adam.mckinnie@psc.mo.gov>, "Roos, David" <david.roos@psc.mo.gov>

Date: 12/17/2009 05:20 PM

Subject: Draft of 4 CSR 240-22 Rule Revisions - And Request for Comments

Attached is a clean copy of the latest draft of 4 CSR 240-22, a red-line version of the latest draft changes to the current 4 CSR 240-22, and a redline version of the latest draft changes to Staff draft v2 circulated prior to the Chapter 22 Rulemaking Workshop 4.

Please send any suggested edits and comments to me not later than December 28, 2009, and I will file your comments in EW-2009-0412, or you may file your suggested edits and comments in EW-2009-0412 yourself.

Staff will consider all suggested edits and comments received by December 28, 2009 during its preparation of an additional draft, if necessary, for distribution to you in early January 2010.

The on-the-record meeting for presentations before the Commission on the 4 CSR 240-22 Rule Revisions is scheduled for January 25, 2010 beginning at 8:30 AM in Room 310. This on-the-record meeting will be webcast.

Finally, I am including a worksheet which contains the analysis prepared by Staff to select the date for triennial compliance filings and annual update filings (see revised draft 4 CSR240-22.080(1)). When considering the interests of the utilities, Staff and stakeholders, Staff believes that April 1 is the best date for triennial compliance filings and annual update filings.

Staff appreciates your interest in and support of the Chapter 22 rulemaking process.

John Rogers
Utility Regulatory Manager
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65102-0360
Office: 573-751-7524
Fax: 573-751-1847

[attachment "Staff Draft 4 CSR 240-22 v3-4 clean.doc" deleted by John Noller/EC/MODNR] [attachment "Staff draft v3-4 redline to current 4 CSR 240.docx" deleted by John Noller/EC/MODNR] [attachment "Staff Draft v3-4 redline to Staff draft v2 - workshop 4.docx" deleted by John Noller/EC/MODNR] [attachment "Chapter 22 Filing Date Analysis.xls" deleted by John Noller/EC/MODNR]

