

# 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.     )

### **ORDER GRANTING LEAVE TO WITHDRAW MOTION AND DIRECTING FILING OF ADDITIONAL PLEADINGS**

Issue Date: December 26, 2006

Effective Date: December 26, 2006

On October 31, 2006,<sup>1</sup> the Staff of the Missouri Public Service Commission filed a motion requesting that the Commission open a single rulemaking docket for this matter and four other cases involving the consideration of adopting new standards put forth in the Energy Policy Act of 2005 ("EPAAct").<sup>2</sup> On December 22, Staff filed Updated Suggestions for Future Proceedings, requesting leave to withdraw its October 31 motion. Additionally, Staff requested the Commission set a date for the parties to file additional pleadings addressing the threshold question on the applicability of the prior state action exemption to the adoption of the Fuel Sources Standard. A decision by the Commission that prior state action satisfies EPAAct's current requirements would terminate this proceeding, while an opposite decision would require the Commission to decide if adoption of the standard was appropriate, and, if so, to initiate rulemaking for the purposes of adopting the standard.

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<sup>1</sup> All dates throughout this order shall refer to the year 2006 unless otherwise specified.

<sup>2</sup> The other four matters as case numbers EO-2006-0493, EO-2006-0495, EO-2007-0496, and EO-2006-0497.

The Commission finds Staff's request to be reasonable and will set a date for additional responses to determine the threshold question whether the prior state action exemption is applicable.

**IT IS ORDERED THAT:**

1. The Staff of the Missouri Public Service Commission's request for leave to withdraw its October 31, 2006 motion to open a rulemaking docket in this matter is granted.
2. Any party wishing to file an additional pleading concerning the threshold question of whether the prior state action exemption applies to the Fuel Sources Standard shall do so no later than February 9, 2007.
3. This order shall become effective on December 26, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of December, 2006.