

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

In the Matter of the Consideration of Adoption)	
of the PURPA §111(d)(11) Net Metering)	
Standard as Required by §1251 of the Energy)	Case No. EO-2006-0493
Policy Act of 2005.)	

RESPONSE TO COMMISSION’S AUGUST 17, 2006 ORDER

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Response to the Commission’s August 17, 2006 Order Sustaining Motion For Late Filing Of Procedural Schedule, Setting Technical Conference, And Directing Filing, respectfully states as follows:

1. This case was opened for the purpose of establishing a record of the Commission’s consideration and determination whether to adopt the Net Metering Standard established by §1251 of the Energy Policy Act of 2005 (“EPAct 2005”).

2. Among other things, the above-referenced Commission Order directed the parties to attend a September 22, 2006 technical conference beginning at 10:00 a.m. at the Governor Office Building in Jefferson City. The Order also directed each of the parties to file by September 15, 2006, pleadings offering its response to the following questions:

- a) Can this case be closed based on “prior state actions” as provided in Section 1251 (b)(3) of the Act [16 U.S.C. 2622(d)], and why or why not?
- b) Can this case be consolidated with any, some or all of the following cases—EO-2006-0494, EO-2006-0495, EO-2006-0496 and EO-2006-0497—because the issues addressed in one or more of these cases are similar, and why or why not?
- c) What type of proceeding (e.g., rulemaking, rate case implementation, etc.) should the Commission use to address the issues in this case in order to meet the Public Utility Regulatory Policies Act of 1978 (“PURPA”) Section 111(a) and 111(b)3 “consideration and determination” requirements [16 U.S.C. 2621(a), 2621(b)], and why?

3. In the Staff's opinion, the Commission might justifiably determine that this case may be closed based on prior state action; specifically, Section 386.887 RSMo, also known as the "Consumer Clean Energy Act." However, the Staff believes that the case should instead be consolidated with Case No. EO-2006-0497, which addresses the Interconnection Standard, as required by Section 1254 of EPAct 2005. Holding the case open will provide the parties with an opportunity to build a consensus for a particular Commission action. Moreover, consolidation of the case with the aforementioned Interconnection Standard case makes sense from the standpoint of efficiency because net metering necessarily implicates interconnection considerations.

4. The Staff believes that, in the event this case is not ultimately closed, the question of the adoption of the Net Metering Standard is more suitable for determination in the context of a rulemaking rather than individual rate cases. A rulemaking would provide for consistent application for all Missouri investor-owned utilities of whatever provisions are deemed appropriate.

5. The Staff understands that, as a result of intensive involvement in other cases pending before the Commission, certain parties will be unable to meet the ordered September 15, 2006 filing deadline. Accordingly, the Staff requests that the other parties to this case be permitted an extension of the time to file their responses to the above-noted questions, until the end of the day on September 20, 2006.

WHEREFORE, the Staff respectfully submits its response to the Commission's August 17, 2006 Order, and requests an extension of the time for the other parties to file their responses to the end of the day on September 20, 2006.

Respectfully submitted,

/s/ Dennis L. Frey

Dennis L. Frey
Senior Counsel
Missouri Bar No. 44697
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-8700 (telephone)
573-751-9285 (fax)
e-mail: denny.frey@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed by first-class mail, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 15th day of September 2006.

/s/ Dennis L. Frey