

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
August 4, 2006
Jefferson City, Missouri
Volume 1

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

In the Matter of the Consideration of)
Adoption of the PURPA Section 111(d)(12))
Fuel Sources Standard as Required by) Case No.
Section 1251 of the Energy Policy Act) EO-2006-0494
of 2005)

In the Matter of the Consideration of)
Adoption of the PURPA Section 111(d)(13))
Fossil Fuel Generation Efficiency) Case No.
Standard as Required by Section 1251 of) EO-2006-0495
the Energy Policy Act of 2005)

In the Matter of the Consideration of)
Adoption of the PURPA Section 111(d)(14))
Time-Based Metering and Communications) Case No.
Standard as Required by Section 1252 of) EO-2006-0496
the Energy Policy Act of 2005)

In the Matter of the Consideration of)
Adoption of the PURPA Section 111(d)(15))
Interconnection Standard as Required by) Case No.
Section 1254 of the Energy Policy Act) EO-2006-0497
of 2005)

HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:

KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 L. RUSSELL MITTEN, Attorney at Law
3 312 East Capitol
4 P.O. Box 456
Jefferson City, MO 65102-0456
(573) 635-7166

5 FOR: The Empire District Electric Company.

6 SHELLEY WOODS, Assistant Attorney General
7 P.O. Box 899
8 Supreme Court Building
Jefferson City, MO 65102
(573) 751-3321

9 FOR: Missouri Department of Natural
10 Resources Energy Center.

11 JAMES M. FISCHER, Attorney at Law
12 Fischer & Dority
101 Madison, Suite 400
Jefferson City, MO 65101
(573) 636-6758

13 FOR: Kansas City Power & Light Company.

14 JOHN COFFMAN, Attorney at Law
15 871 Tuxedo Boulevard
16 St. Louis, MO 63119
(573) 424-6779

17 FOR: AARP.

18 HENRY B. ROBERTSON, Attorney at Law
19 Great Rivers Environmental Law Center
705 Olive Street, Suite 614
20 St. Louis, MO 63101
(314) 231-4181

21 FOR: Concerned Citizens of Platte County.
22 Sierra Club.
23 Audubon Missouri.
Mid-Missouri Peaceworks.
24 Heartland Renewable Energy Society.
Ozark Energy Services.

25

1 DAVID KURTZ, Attorney at Law
2 Smith Lewis, LLP
3 111 South 9th Street, Suite 200
4 P.O. Box 918
5 Columbia, MO 65205-0918
6 (573) 443-3141

7 FOR: AmerenUE.

8 MICHAEL DANDINO, Deputy Public Counsel
9 LEWIS R. MILLS, JR., Public Counsel
10 P.O. Box 2230
11 200 Madison Street, Suite 650
12 Jefferson City, MO 65102-2230
13 (573) 751-4857

14 FOR: Office of the Public Counsel
15 and the Public.

16 STEVEN DOTTHEIM, Chief Deputy General Counsel
17 DENNIS L. FREY, Senior Counsel
18 P.O. Box 360
19 200 Madison Street
20 Jefferson City, MO 65102
21 (573) 751-3234

22 FOR: Staff of the Missouri Public
23 Service Commission.

24

25

26

27

28

29

30

31

32

33

34

1 P R O C E E D I N G S

2 JUDGE STEARLEY: We will go on the record.
3 Today is Friday, August 4th, 2006, and we are here for
4 combined prehearings in five separate but as of yet
5 unconsolidated PURPA cases. If you'll please bear with
6 me, I need to read all our case captions and case numbers
7 into the record.

8 We are here in the matter of the
9 consideration of the adoption of PURPA Section 111(d)(11),
10 Net Metering Standard as required by Section 1251 of the
11 Energy Policy Act of 2005, which is Case No. EO-2006-0493;
12 in the matter of the consideration of adoption of the
13 PURPA Section 111(d)(12) Fuel Sources Standard as required
14 by Section 1251 of the Energy Policy Act of 2005, Case
15 No. EO-2006-0494; in the matter of the consideration of
16 adoption of PURPA Section 111(d)(13) Fossil Fuel
17 Generation Efficiency Standard as required by Section 1251
18 of the Energy Policy Act of 2005, Case No. EO-2006-0495;
19 in the matter of the consideration of adoption of the
20 PURPA Section 111(d)(14) Time-Based Metering and
21 Communication Standard as required by Section 1252 of the
22 Energy Policy Act of 2005, Case No. EO-2006-0496; and
23 finally, in the matter of the consideration of adoption of
24 the PURPA Section 111(d)(15) Interconnection Standard as
25 required by Section 1254 of the Energy Policy Act of 2005,

1 Case No. EO-2006-0497.

2 My name is Harold Stearley, and I'm the
3 presiding officer in these matters. Our court reporter
4 this morning is Kellene Feddersen. And we will take
5 entries of appearance. I ask that when you make your
6 entries, that you identify which of the cases that you are
7 involved in, and then we won't have to do entries five
8 times in a row as well as me reading all of that five
9 times in a row. We will begin with AARP.

10 MR. COFFMAN: Thank you. Appearing on
11 behalf of AARP, my name is John Coffman. My address is
12 871 Tuxedo Boulevard, St. Louis, Missouri 63119. And AARP
13 has only intervened in the 496 case regarding time-based
14 metering.

15 JUDGE STEARLEY: Thank you, Mr. Coffman.
16 Aquila, Incorporated?

17 MR. MITTEN: L. Russell Mitten, Brydon,
18 Swearngen & England, P.O. Box 456, Jefferson City,
19 Missouri 65102, appearing on behalf of Aquila, Inc. and
20 the Empire District Electric Company, and we have
21 intervened in all five cases.

22 JUDGE STEARLEY: Thank you, Mr. Mitten.
23 Concerned Citizens of Platte County?

24 MR. ROBERTSON: Henry Robertson, Great
25 Rivers Environmental Law Center, 705 Olive, Suite 614,

1 St. Louis 63101. I'm here on behalf of Concerned Citizens
2 of Platte County, Audubon Missouri, Sierra Club, Heartland
3 Renewable Energy Society, Mid-Missouri Peaceworks and
4 Ozark Energy Services, and we've intervened in all five
5 cases.

6 JUDGE STEARLEY: Thank you, Mr. Robertson.
7 Kansas City Power & Light?

8 MR. FISCHER: James M. Fischer, Fischer &
9 Dority, PC, 101 Madison Street, Suite 400, Jefferson City,
10 Missouri 65101, appearing on behalf of Kansas City Power &
11 Light Company, and I believe we've intervened in all five
12 cases.

13 JUDGE STEARLEY: Thank you, Mr. Fischer.
14 Missouri Department of Natural Resources?

15 MS. WOODS: Shelley A. Woods, Assistant
16 Attorney General, Post Office Box 899, Jefferson City,
17 Missouri 65102, appearing on behalf of the Missouri
18 Department of Natural Resources Energy Center, and we have
19 intervened in EO-2006-0493, 0495, 0497 and 0494.

20 JUDGE STEARLEY: Thank you, Ms. Woods.
21 Missouri Industrial Energy Consumers? No one present for
22 MIEC at this time.

23 Okay. Union Electric Company, doing
24 business as AmerenUE?

25 MR. KURTZ: David Kurtz, law firm of Smith

1 Lewis, LLP, 111 South 9th Street, Suite 200 in Columbia,
2 appearing on behalf of AmerenUE in all five cases.

3 JUDGE STEARLEY: Thank you, Mr. Kurtz.
4 Staff?

5 MR. FREY: Dennis L. Frey and Steve
6 Dottheim, Post Office Box 360, Jefferson City, Missouri
7 65102. I have a strong suspicion that we're in all five
8 cases.

9 JUDGE STEARLEY: I do, too. Thank you,
10 Mr. Frey. And Office of Public Counsel?

11 MR. DANDINO: Thank you, your Honor. Lewis
12 Mills, Public Counsel, Michael Dandino, Deputy Public
13 Counsel, Post Office Box 2230, Jefferson City, Missouri
14 65102, representing the Office of the Public Counsel and
15 the public. And I believe with Denny, we're also in all
16 cases.

17 JUDGE STEARLEY: Thank you, Mr. Dandino.
18 We also have present today two other attorneys
19 representing companies Itron and Cellnet who have not yet
20 intervened in these matters but are considering
21 intervention. If there are no objections, we have
22 Mr. Scott DeBroff by telephone today listening in, and we
23 have Mr. Ken Boyd who's in the room present with us now
24 for Itron sitting in.

25 MR. BOYD: Your Honor, it's Ben Boyd. I'm

1 not an attorney.

2 JUDGE STEARLEY: Thank you for that
3 correction, Mr. Boyd.

4 Is there any objections to them
5 participating or listening in on the prehearings this
6 morning? Okay. Hearing none.

7 Are there any pending motions or matters
8 that the Commission needs to address at this time?
9 Hearing none.

10 There are a couple matters I would like to
11 bring up with regard to these cases. Just for clarity's
12 sake, while we do have five sequential PURPA sections,
13 they do span three different sections of EAct, and I know
14 from generating my orders in these cases and all the
15 cutting and pasting going on with these, it's real easy to
16 put down the wrong section of EAct that your case belongs
17 to. So just take a note that PURPA 111(d)(11), (12) and
18 (13) should always reference EAct Section 1251,
19 111(d)(14) is 1252, and 111(d)(15) is 1254.

20 If any of my earlier Orders in this case
21 came out referencing the wrong sections, I'll issue
22 notices of corrections on those right now for those.

23 You all know the purpose of our
24 prehearings. This gives you an opportunity to discuss the
25 issues, plan any discovery, put together procedural

1 schedules, which are due next Friday on August 11th,
2 formulate any stipulations you may have in these cases,
3 and it gives an opportunity to talk about settlement.
4 Now, these cases are somewhat unique in that at this
5 moment I'm not sure any of us know which direction they're
6 going to go in.

7 Staff has recommended in their motion to
8 open the case several different -- several different
9 options. So I don't know if we're going to end up in a
10 rulemaking, if we're going to decide current rules and
11 regs are satisfactory, if these types of provisions will
12 be incorporated in future ratemaking cases, but this will
13 be your opportunity to sort those out.

14 If there's any possible -- if the parties
15 decide it's possible to consolidate any of these cases,
16 the Commission would certainly entertain motions to
17 consolidate. My understanding from Staff is potentially
18 PURPA 111(d)(11), (15) could be consolidated, and 111(d)
19 (12) and (13) could be consolidated. So those are things
20 you might look at with your prehearing today.

21 Also of note, we do have different
22 procedural deadlines in a couple of these cases. PURPA
23 111(d)(14) and (15) requires that the Commission act by
24 August 8th of 2007, the other three by August 8th of 2008.
25 So we are in a little bit shorter time crunch on those two

1 sections. Just to keep that in mind when you're putting
2 together procedural schedules.

3 I have brought a couple of calendars down
4 for you-all from our hearings board upstairs. Our board
5 is rapidly filling, and we're starting to double up on
6 some hearings. So if you-all want to consult these as
7 you're putting together your procedural schedules. Also,
8 I will not be available between September 11th and 15th in
9 terms of any procedural schedule that you have.

10 Are there any other matters that need to be
11 addressed this morning? I saw a couple people enter late.
12 Were there any other entries of appearance?

13 (No response.)

14 JUDGE STEARLEY: All right. Well, if
15 there's nothing further, I will leave you all to have your
16 discussions. I will be available in my office upstairs if
17 you should need to talk to me regarding scheduling. At
18 this point we'll go off the record.

19 WHEREUPON, the recorded portion of the
20 prehearing conference was concluded.

21

22

23

24

25