BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(16) Consideration of Smart Grid Investments Standard as Required by Section 1307 of the Energy Independence and Security Act of 2007.	)))))	**Case No. EW-2009-0290**
In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(16) Integrated Resource Planning Standard as Required by Section 532 of the Energy Independence and Security Act of 2007.	)))))	**Case No. EW-2009-0291**
In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investments Standard as Required by Section 532 of the Energy Independence and Security Act of 2007.	))))))	**Case No. EW-2009-0292**
In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(17) Smart Grid Information Standard as Required by Section 1307 of the Energy Independence and Security Act of 2007.	)))))	**Case No. EW-2009-0293**

RESPONSE OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES TO STAFF'S RESPONSE TO ORDER SETTING DATE FOR FILING PROCEDURAL SCHEDULES AND REQUEST FOR LEAVE TO LATE-FILE

Comes now the Missouri Department of Natural Resources Energy Center ("MDNR-EC") responding to the response of Staff of the Missouri Public Service Commission ("Staff") to the Missouri Public Service Commission's ("Commission") February 11, 2009 Order Granting Leave To Late-File Proposal For Determining

Procedural Schedules And Setting Deadlines For Proposals And Responses. MDNR-EC offers the following responses to the Commission:

Effective February 6, 2009, the Commission designated these cases to be workshop (EW) cases, as opposed to contested cases as originally filed by the Staff, expressly so the Commission can meet interested members of the public face to face providing an opportunity for oral presentation and comment without the formality of a contested case procedure or the constraints of the *ex parte* contact rules. MDNR-EC encourages the Commission to schedule as soon as practicable one or more workshops to foster a full discussion of each of these new PURPA standards under consideration.

Case No. EW-2009-0290 – Smart Grid Investments Standard

Case No. EW-2009-0290 addresses PURPA §111(d)(16) as required by § 1307(a)(16) of EISA as follows:

> (A) IN GENERAL – Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including --
> (i) total costs;
> (ii) cost-effectiveness;
> (iii) improved reliability;
> (iv) security;
> (v) system performance; and
> (vi) societal benefit.
> (B) RATE RECOVERY – Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.
> (C) OBSOLETE EQUIPMENT – Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment

rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

The Staff stated that it:

"…does not view that the entirety of this standard falls under the prior state action exemption. The Staff has indicated on a number of occasions that it has believed for some time that Chapter 22 Electric Utility Resource Planning is in need of a rule on transmission and distribution investment and the Staff intends to address this deficiency in the upcoming general review of Chapter 22. The Staff believes that Sections 1307(a)(16)(A) and (C) of EISA / PURPA Section 111(d)(16) will be considered in the review of Chapter 22 ."

Staff further stated that it:

"… is not aware of any rate case in which the Commission has not allowed recovery from ratepayers of the capital, operating expenditures, and other costs relating to the deployment of a "qualified smart grid system," including a reasonable rate of return on the capital expenditures for the deployment of components of the "qualified smart grid system." For example, electric utilities' supervisory control and data acquisition ("SCADA") systems monitor distribution and transmission facilities, and the costs of technological improvements to SCADA systems have been among the costs allowed recovery in rate cases by the Commission."

MDNR-EC agrees that this PURPA standard has not been addressed by prior state action and believes it is important for the Commission to actively consider adopting this standard. Developing a smart grid for electric service is of vital importance to not only our nation, but the State of Missouri. A Pacific Northwest National Laboratory ("PNNL") study found that over 20 years, significant amounts of U.S. power infrastructure additions could be avoided: $19 to $49 billion for generation; $5 to $12 billion for transmission; and $22 to $56 billion for distribution, for a total of $46 to $117 billion.[1] The benefits of a modernized electric network include reducing power consumption (demand-side management) and the cost of meeting peak demand; enabling grid connection of

[1] Kannberg, L.D., et al, *GridWise™: The Benefits of a Transformed Energy System,* Sept. 2003, Pacific Northwest National Laboratory, p3

distributed generation of power (photovoltaic arrays, wind turbines, micro hydro, or combined heat/power generators); coordinating production from large numbers of small power producers; incorporating grid energy storage for distributed generation load balancing; and eliminating or containing failures such as widespread power grid cascading failures. The increased efficiency and reliability of the smart grid is expected to save consumers money and help reduce CO_2 emissions.

EISA does not define what constitutes a "qualified" smart grid system for the purposes of State consideration of smart grid investments. However, §§1301 and 1306(d) of EISA establish requirements for a smart grid. Also note that EISA §1306(b) provides standards for smart grid investment costs to be eligible for federal matching funds, and EISA §1306(c) specifies investments that would not qualify for federal matching funds. This raises questions as to how the Commission should define "smart grid" and "qualified smart grid system" and whether the requirements listed in EISA are adequate. For example, should the Commission consider any grid that has some or all of the characteristics cited in EISA § 1301 and that performs some or all of the functions cited in EISA § 1306(d) as "smart", and should the treatment suggested in PURPA § 111(d)(16) added by EISA § 1307(a) be considered for investments that meet the standards in EISA § 1306(b), excluding investments specified in EISA § 1306(c)?

EISA raises an array of questions that the Commission should address:

> 1. Should the Commission require electric utilities to demonstrate to the Commission that prior to undertaking investments in non-advanced grid technologies it considered an investment in a qualified smart grid system, pursuant to PURPA § 111(d)(16)(A) added by EISA § 1307(a)? If so, what constitutes this demonstration and consideration by a utility?
>
> 2. Should the Commission authorize each electric utility to recover from ratepayers any capital, operating expenditure, or other costs of the electric

utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of a qualified smart grid system, pursuant to PURPA § 111(d)(16)(B) added by EISA § 1307(a)?

3. Should the Commission authorize any electric utility or other party deploying a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of a qualified smart grid system, based on the remaining depreciable life of the obsolete equipment, pursuant to PURPA § 111(d)(16)(C) added by EISA § 1307(a)?

4. For purposes of the preceding three questions, how should the Commission define "qualified smart grid system"? Should any grid that has some or all of the characteristics cited in EISA § 1301 and performs some or all of the functions cited in EISA § 1306(d) be classified as a "qualified smart grid system"?

5. How should investments and other costs of a qualified smart grid system be determined for purposes of considering recovery from ratepayers? In particular, should the investment standards in EISA § 1306(b) be used to determine investments in qualified smart grid systems that may warrant ratepayer recovery?

Furthermore, the American Recovery and Reinvestment Act of 2009 ("ARRA") presents an opportunity for regulated utilities to pursue smart grid pilot projects:

SEC. 405. AMENDMENTS TO TITLE XIII OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:
" (A) IN GENERAL.—In carrying out the initiative, the Secretary (of Energy) shall provide financial support to smart grid demonstration projects in urban, suburban, tribal, and rural areas, including areas where electric system assets are controlled by nonprofit entities and areas where electric system assets are controlled by investor-owned utilities."

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:
"(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—
The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in

paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.".[2]

Funding availability and the timing of the grants are detailed in the following portion of § 405 of the ARRA:

(4) By amending paragraph (2) of section 1304(c) to read as follows:
"(2) to carry out subsection (b), such sums as may be necessary."
(5) By amending subsection (a) of section 1306 by striking "reimbursement of one-fifth (20 percent)" and inserting "grants of up to one-half (50 percent)".
(6) By striking the last sentence of subsection (b)(9) of section 1306.
(7) By striking "are eligible for" in subsection (c)(1) of section 1306 and inserting "utilize".
(8) By amending subsection (e) of section 1306 to read as follows:
"(e) PROCEDURES AND RULES.—(1) The Secretary shall, within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009, by means of a notice of intent and subsequent solicitation of grant proposals—
"(A) establish procedures by which applicants can obtain grants of not more than one-half of their documented costs;
"(B) require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate;
"(C) establish procedures to ensure that there is no duplication or multiple payment for the same investment or costs, that the grant goes to the party making the actual expenditures for the qualifying Smart Grid investments, and that the grants made have a significant effect in encouraging and facilitating the development of a smart grid;
"(D) establish procedures to ensure there will be public records of grants made, recipients, and qualifying Smart Grid investments which have received grants; and
"(E) establish procedures to provide advance payment of moneys up to the full amount of the grant award.
"(2) The Secretary shall have discretion and exercise reasonable judgment to deny grants for investments that do not qualify.".

[2] Title XIII of the Energy Independence and Security Act of 2007 § 1304(b)(3) (B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

In addition to this opportunity, there are other potential sources of assistance available for smart grid investments, for example the GridWise Alliance.[3] The Commission should encourage the regulated utilities to take advantage of all potential resources related to smart grid investments.

MDNR-EC encourages the Commission to adopt a policy consistent with this PURPA standard. MDNR-EC proposes that to give consideration to this PURPA standard and to standardize the requirements for the regulated electric utilities under its jurisdiction, the Commission set a clear policy in this case or in a rulemaking docket. Recovery of costs incurred by a utility for smart grid investments would be addressed in individual rate cases. For example, the Commission should specify what constitutes a "qualified smart grid system" as a uniform standard. As another example, the Commission should specify what will be required of electric utilities to demonstrate to the Commission that prior to undertaking investments in non-advanced grid technologies, the utility considered an investment in a qualified smart grid system. The planned Chapter 22 workshops can be an appropriate forum for addressing the requirements of this section of EISA; however, MDNR-EC recommends the Commission require the Staff to address in the workshops the specific issues regarding smart grid investments noted above, and also require Staff to file a report in this case, EW-2009-0290, documenting the discussion and recommendations from the Chapter 22 workshops regarding each of the above issues. The Commission should allow parties in this case to respond to the Staff report.

EW-2009-0291 - Integrated Resource Planning Standard

[3] http://www.gridwise.org/index.html

Case No. EW-2009-0291 addresses PURPA Section 111(d)(16) as required by Section 532(a)(16) of EISA, which requires as follows:

> (A) integrate energy efficiency resources into utility, State, and regional plans; and
> (B) adopt policies establishing cost-effective energy efficiency as a priority resource.

The Staff has taken the position that this standard falls under a prior state action exemption, stating that the Commission has satisfied the EISA requirement by providing in 4 CSR 240-22.010(2)(A) that Missouri regulated electric utilities shall "consider and analyze demand-side efficiency and energy management measures on an equivalent basis with supply-side alternatives in the resource planning process."

The "equivalent treatment" provision in 4 CSR 240-22.010(2)(A) is more pertinent to a previous standard that was inserted into PURPA by the Energy Policy Act of 1992 (EPACT 1992). EPACT 1992 called for equivalent treatment of demand and supply side resources in utility long range planning. The PURPA "equivalent treatment" standard enacted in 1992 presumably influenced the language used in 4 CSR 240-22.010(2)(A), which was promulgated a year later in 1993.

The 2007 EISA "priority resource" standard is a new standard that is separate from the 1992 "equivalent treatment" standard. The "priority resource" standard is a component of contemporary national dialogue on the role of energy efficiency. For example, the first recommendation of the National Action Plan for Energy Efficiency is to "recognize energy efficiency as a high-priority energy resource."

Several options exist for implementing policies that embody the "priority resource" standard. Recognizing cost-effective energy efficiency as the resource of first priority or setting goals for energy efficiency would satisfy the standard. As the 2006 report of the

National Action Plan for Energy Efficiency notes, several states have extended this recognition to energy efficiency.[4] Some states have accomplished this through a combination of regulatory policy and resource planning processes.

- Establishing goals through an energy efficiency performance standard for each regulated electric utility for reducing peak demand and energy through energy efficiency measures would establish energy efficiency as a priority resource. A number of other states have established such goals, with the average being between 1 and 2% of annual energy sales. For example, the Iowa Utilities Board established a planning goal of 1.5% reduction in energy demand per year.[5] Other jurisdictions have established aggregate goals of 20 to 25 percent reduction to be achieved by 2020.[6] In the department's view, if annual incremental goals of 1 to 2% are set, they should be provided over a planning horizon of at least ten years.

- Establishing a preference for energy efficiency in resource planning processes would also address this standard. Arguably, all energy efficiency measures identified as cost effective in an integrated resource plan should be implemented. Some states have set energy efficiency and demand response as the first resource to be used to meet electricity demand before new generation can be considered.

To the extent that the Commission has set demand and energy reduction planning goals, it has occurred in rate cases. MDNR-EC is aware of two cases in which this issue has arisen:

- The Commission set demand and energy reduction goals in AmerenUE rate case ER-2007-0002. In its testimony in ER-2007-0002, the department recommended that the Commission set minimum annual targets for demand and energy reduction from demand side management (DSM) to be used as a starting point in its resource planning. (This was consistent with targets set in Illinois, where Ameren also provides service). In its May 22, 2007 Report and Order for this case, the Commission set planning goals of "reducing peak demand and energy growth by: 10 percent in 2009/2010; 15 percent by 2011-2012; 20 percent by 2013/2014; and 25 percent by 2015/2016." The Report and Order also stated that AmerenUE indicated that "much greater reductions may be achieved in the future" and "Staff and the Department of Natural Resources agree these goals should be reassessed in the upcoming IRP process."

[4] Report of the National Action Plan for Energy Efficiency, 2006, pp. 2-15, 3-20.
[5] Order Requiring Filing of New Energy Efficiency Plans and Additional Information, issued January 14, 2008,, Docket No. 199 IAC 35.4(1) (EEP-02-38, EEP-03-1, EEP-03-4)
[6] New Jersey Energy Master Plan; Massachusetts Section 105 of chapter 169 of Acts of 2008 – Green Communities Act.

- MDNR-EC, in its testimony on the current rate cases for KCPL, ER-2009-0089, and KCPL-GMOC, ER-2009-0090, recommends that the Commission establish a savings target of at least one percent (1%) per year and require the utility to use that target in future IRP analyses.

PURPA requirements for establishing prior state action would require the Commission to have considered goals for each of the regulated electric utilities within its jurisdiction. MDNR-EC does not believe that the Commission's prior actions meet this requirement. The Commission's Report and Order for ER-2007-0002 preceded the December 19, 2007 signing of EISA. However, MDNR-EC is not aware of any docket prior to that date in which the Commission considered such goals for KCPL, KCPL-GMOC or Empire District Electric.

MDNR-EC proposes that to give consideration to this PURPA standard and provide uniformity of treatment to the regulated electric utilities under its jurisdiction, the Commission set a clear policy in this case or open a rulemaking docket to formulate a policy establishing energy efficiency as the first priority resource used to meet electricity demand and setting DSM demand and energy reduction goals. We believe the utilities should meet these goals. It would also be appropriate for utilities to be required to incorporate these goals into future integrated resource planning (IRP) analysis if the IRP rule revision includes implementation requirements.

EW-2009-0292 - Rate Design Modifications to Promote Energy Efficiency Investments Standard

Case No. EW-2009-0292 addresses PURPA §111(d)(17) as required by § 532(a)(17) of EISA. The Staff believes that there has been prior state action on this issue, stating that the Commission's adoption of Chapter 22 provided consideration of the rate

design issues, as well as in subsequent electric resource plans filed by the electric utilities pursuant to Chapter 22.[7]

MDNR-EC does not agree. Rule 4 CSR 240-22.080 allows utilities to do the following in an integrated resource plan filing:

> (2) The electric utility's compliance filing may also include a request for nontraditional accounting procedures and information regarding any associated ratemaking treatment to be sought by the utility for demand-side resource costs. If the utility desires to make any such request, it must be made in the utility's compliance filing pursuant to this rule and not at some subsequent time. If the utility desires to continue any previously authorized nontraditional accounting procedures beyond the three (3)-year implementation period, it must request reauthorization in each subsequent filing pursuant to this rule. Any request for initial authorization or reauthorization of these nontraditional accounting procedures must—
>
> (A) Be limited to specific demand-side programs that are included in the utility's implementation plan; and
>
> (B) Include specific proposals that contain at least the following information:
>
> 1. An explanation of the specific form and mechanics of implementing the proposed accounting procedure and any associated ratemaking treatment to be sought;
> 2. A discussion of the rationale and justification of the need for a nontraditional treatment of these costs;
> 3. An explanation of how the specific proposal meets this need for nontraditional treatment; and
> 4. A quantitative comparison of the utility's estimated earnings over the three (3)-year implementation period with and without the proposed nontraditional accounting procedures and any associated ratemaking treatment to be sought.

However, EISA § 532(a)(17) details the policy options to be considered by the Commission as:

> "(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;
> "(ii) providing utility incentives for the successful management of energy efficiency programs;

[7] Union Electric Company, d/b/a AmerenUE ("AmerenUE") in Case No. EO-2007-0409, Kansas City Power & Light Company ("KCP&L") in Case No. EE-2008- 0034, Aquila, Inc., now KCP&L Greater Missouri Operations Company ("KCP&L GMO") in Case No. EO-2004-0298, and The Empire District Electric Company ("Empire") in Case No. EO-2008-0069.

> "(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;
> "(iv) adopting rate designs that encourage energy efficiency for each customer class;
> "(v) allowing timely recovery of energy efficiency related costs; and
> "(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make energy efficiency improvements more affordable."

Not all of the rate design options detailed above would manifest in an integrated resource plan, and therefore not all of the policy options have received consideration by the Commission. Some of the policy options are more appropriately addressed in the rate design phase of a rate case. For example, rate designs themselves can encourage energy efficiency, but have not been addressed in integrated resource plans. Decoupled rate structures, inclining block rates, and other forms of rate design would rarely, if ever, be considered in an integrated resource plan and would more likely be addressed in a rate case. Either way, in an IRP case or a rate case, the Commission rarely gets an opportunity to consider these issues fully. The Commission is hindered in considering the rate design goals from EISA in cases because the Commission can rule only on what is presented in evidence. Often all that is presented in evidence in a rate case is a stipulation and agreement among all the parties, or the introduction of rates only for a new service or rider. As for IRP case, the Commission usually sees, at most, a limited request to exercise 4 CSR 240-22-080(2). The Commission cannot on its own present rate designs that would address many of the most pertinent issues of this section of EISA.

In order for the Commission to give complete consideration to the goals and standards for energy efficient rate design detailed in EISA, MDNR-EC recommends the

Commission state in this case a clear policy to implement at every opportunity the options stated in EISA § 532(a)(17), or in the alternative, consider a rulemaking case to set standards for energy efficient rate design. If the Commission pursues a rate design rulemaking, MDNR-EC also recommends the Commission require the Staff to file a report in this case (EW-2009-0292) detailing the progress it makes in pursuing a rate design rule. The Commission should allow parties in this case to respond to the Staff report.

EW-2009-0293 - Smart Grid Information Standard

Case No. EW-2009-0293 addresses PURPA Section 111(d)(17) as required by Section 1307(a)(17) of EISA, One element of the new PURPA standard is an annual report "on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis." The annual report is to be made available to "purchasers and other interested persons."

In MDNR-EC's view, it would be reasonable and desirable to require annual disclosure of source and emissions information as required by the PURPA standard. Nearly two dozen states, including Illinois and Iowa, require fuel mix and emissions reporting by utilities. In most case, the emission reporting extends beyond CO_2 emissions to include a variety of criteria pollutants.[8]

[8] USDOE DSIRE database, http://www.dsireusa.org/library/includes/incentivesearch.cfm?Incentive_Code=IA06R&Search=TableType&type=Disclose&CurrentPageID=7&EE=0&RE=1.)

The Staff's stated position on this standard is that it "could be considered in the context of the rulemaking that is planned for the revision of Chapter 22 …and this is how the Staff proposes to meet this requirement." MDNR-EC agrees that consideration under Chapter 22 is appropriate to other elements included in this standard, but must disagree with respect to the element under discussion. Resource planning under Chapter 22 occurs on a three-year cycle and is therefore not an appropriate vehicle for the annual reporting required by this standard.

MDNR-EC recommends the Commission state in this case a clear policy to implement the standards in Section 1307(a)(17) of EISA, or in the alternative, consider a rulemaking case. There are two possible rulemaking cases in which these issues could be addressed. The Commission could include consideration of annual fuel mix and emissions reporting in the current Renewable Energy Standard rulemaking process (EW-2009-0324). Section 393.1030.2(3), RSMo requires each regulated electric utility to file an annual report disclosing its compliance with the requirements of the Missouri Renewable Energy Standard. The Commission could require fuel mix and emissions reporting for conventional generation as part of this annual report. If necessary, the rule could provide for public and confidential versions of the annual report. The information would be pertinent because Section 393.1030.2(3), RSMo already requires the utility to report on generation from renewable sources and because reductions in emissions and adverse environmental impacts were presumably part of the rationale behind approval of the Missouri Renewable Energy Standard.

Alternatively, the Commission could open a docket to add source and emissions reporting to the annual reporting requirements of 4 CSR 240-3.165. If this option is

selected, the Commission should assure that the forms prescribed for submitting resource mix and emissions information does not create a barrier to public review of the information. MDNR-EC encourages the Commission to consider requiring this information be provided to each utility's customers on bills once each year.

The new PURPA standard also includes a number of elements related to information to be provided through "smart grid" or other electronically based methods. MDNR-EC agrees with Staff that many of these elements have not been considered by the Commission. In MDNR-EC's view, these issues are best addressed by a rulemaking in order to standardize the requirements for all regulated electric utilities. The planned Chapter 22 workshops can be an appropriate forum for addressing the requirements of this section of EISA; however, MDNR-EC recommends that the Commission require the Staff to address in the workshops specific issues such as interaction with independent system operators (ISOs) and other regional information sources and uniform provisions for confidentiality and privacy of information. MDNR-EC also recommends the Commission require Staff to file a report in this case (EW-2009-0293) documenting the discussion and recommendations from the Chapter 22 workshops regarding each requirement of the new PURPA standard. The Commission should allow parties in this case to respond to the Staff report.

WHEREFORE, MDNR-EC submits the proposal set out above to address the matter of the Commission's consideration of the four Public Utility Regulatory Policies Act electric standards in the EISA which standards are identified in the captions of the instant cases, EW-2009-0290, EW-2009-0291, EW-2009-0292 and EW-2009-0293.

Respectfully submitted,

CHRIS KOSTER
Attorney General

/s/ Shelley A. Woods
SHELLEY A. WOODS
Assistant Attorney General
P.O. Box 899
Jefferson City, Missouri 65102
Bar No. 33525
573-751-8795
573-751-8464 (fax)
shelley.woods@ago.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 13th day of March, 2009.

/s/ Shelley A. Woods