**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of a Working Case to Review )

The Commission’s Missouri Energy )

Efficiency Investment Act (MEEIA) Rules ) File No. EW-2015-0105

4 CSR 240-3.163, 4 CSR 240-3.164, )

4 CSR 240-20.093, and 4 CSR 240-20.094. )

**MISSOURI DIVISION OF ENERGY’S COMMENTS**

**IN RESPONSE TO ISSUES RELATED TO THE RULEMAKING WORKSHOP**

 COMES NOW the Missouri Department of Economic Development – Division of Energy (“DE”)[[1]](#footnote-1) and submits the following comments and attached revisions, regarding the Commission’s rules implementing the Missouri Energy Efficiency Investment Act (“MEEIA”).[[2]](#footnote-2)

* **Market potential studies—**Terms and definitions should be consistent with the National Action Plan for Energy Efficiency: Guide for Conducting Energy Efficiency Potential Studies (November 2007). Definitions have been added to the rules in DE’s comments.
* **Statewide market potential study—**DE continues to support the need for a statewide market potential study. However, if utility market potential studies continue in the absence of a statewide market potential study, DE has provided guidance through language which it has again proposed in its submitted comments.
* **Defining “public interest” as it pertains to programs not subject to cost-effectiveness tests**—When evaluating programs not subject to cost-effectiveness testing, the Commission should maintain the ability to consider all relevant factors in determining the public interest.
* **Tracking of opt-out customer’s energy efficiency savings—**DE continues to support the development of a database for the tracking of opt-out customer’s energy efficiency savings. Opt-out customers with 5,000 kW of demand or greater should have the option to submit records of savings to the Commission’s tracking database. Opt-out customers with between 2,500 and 5,000 kW of demand should periodically submit records of their savings to Staff, and their savings should be tracked in the Commission’s tracking database. Municipal providers, rural cooperative providers, interconnected and self-generators should have the option to submit records of savings to the Commission’s tracking database.
* **Inclusion of Combined Heat and Power (CHP) in definition of “demand-side program”—**DE continues to support the inclusion of CHP in the definition of “demand-side program.” At the last workshop nearly all of the stakeholders indicated that there was no objection to CHP being included in the definition. Including CHP in the definition of “demand-side program” will provide more assurance to utilities that they will receive cost recovery of demand-side CHP programs.
* **Valuation and inclusion of non-energy benefits (NEBs)—**DE continues to support the mandatory use of a NEBs adder of at least 10% to the total resource cost test. There is wide consensus that quantifiable NEBs accrue to utilities, customers, and society as a whole. The mandatory inclusion of an adder will recognize the value NEBs provide while avoiding the contentious process of quantifying these benefits. However, in the absence of an adder, DE supports a process for quantifying NEBs as part of a statewide collaborative.

Please also see DE’s proposed edits and comments in the attached rule redline. Please consider these comments in addition to all comments previously filed and provided during workshops. DE appreciates the opportunity to participate in the workshop process and provide comments.

**Respectfully submitte**d,

*/s/ Alexander Antal*

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1. Effective August 29, 2013, Executive Order 13-03 transferred “all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development . . . .” [↑](#footnote-ref-1)
2. § 393.1075 RSMo. [↑](#footnote-ref-2)