

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day
of March, 2013.

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.)

File No. EW-2009-0290

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.)

File No. EW-2009-0291

In the Matter of the Consideration of Adoption)
of the PURPA **Section 111(d)(18)** Consideration)
of Smart Grid Investments Standard as Required)
by Section 1307 of the Energy Independence and)
Security Act of 2007.)

File No. EW-2009-0292

Consolidated with:

In the Matter of the Consideration of Adoption)
of the PURPA **Section 111(d)(19)** Smart Grid)
Information Standard as Required by Section)
1307 of the Energy Independence and Security)
Act of 2007.)

File No. EW-2009-0293

ORDER REGARDING WORKSHOPS

Issue Date: March 27, 2013

Effective Date: March 27, 2013

On December 15, 2008, the Staff of the Missouri Public Service Commission filed requests for the Commission to establish cases for the purpose of establishing records of

consideration and determinations as to whether to adopt the following standards encompassed within the Energy Independence and Security Act of 2007 (“EISA”):¹

Integrated Resource Planning Standard -- Section 532 of EISA;

Rate Design Modifications to Promote Energy Efficiency Investments Standard -- Section 532 of EISA;

Consideration of Smart Grid Investments Standard -- Section 1307 of EISA; and,

Smart Grid Information Standard -- Section 1307 of EISA.

The new EISA standards amended the Public Utilities Regulatory Policy Act of 1978 (“PURPA”). Pursuant to EISA, the Commission was required to commence consideration of these standards no later than December 19, 2008, and was further required to make a determination regarding acting upon the new standards no later than December 19, 2009.

On December 17, 2008, the Commission established the workshops. Ultimately, after a review of the new standards, and the filings of the participants, the Commission determined that the prior state action exemption did not apply to the new standards.² The Commission found it was appropriate to consider the new PURPA standards in conjunction with the workshops scheduled for a review of the Commission’s Integrated Resource Planning rules, and the Commission was ready to consider if a rulemaking should follow

¹ These files were originally opened with an “EO” designation. See File Numbers EO-2009-0247, EO-2009-0248, EO-2009-0249 and EO-2009-0250 and their beginning EFIS docket entries. (EFIS is the Commission’s Electronic Filing and Information System.) The Commission re-designated these files as “EW” on February 6, 2009 recognizing that in workshop dockets, as opposed to contested or non-contested cases, there is no resulting Commission Order, there are no “parties” and thus the *ex parte* rules do not apply, and there are no contested issues requiring an adversarial process. A workshop docket is designed as information gathering, information exchange, rather than a dispute resolution or a contested issue resolution case. See *Order and Notice Regarding Classification of Dockets and Ex Parte Rule*, issued on February 6, 2009 in the identified “EO” files.

² The prior state action exemption applies if: (1) the State already implemented the standard concerned (or a comparable standard); or (2) the State regulatory authority for such State or relevant nonregulated electric utility conducted a proceeding to consider implementation of the standard concerned (or a comparable

the workshops. The Commission further found that Files numbers EW-2009-0292, Smart Grid Investments Standard, and EW-2009-0293, Smart Grid Information Standard, involved related issues of fact and law, and consolidated those files pursuant to Commission Rule 4 CSR 240-2.110(3).³

In the intervening time period, between opening these files and the present, the Commission has not only conducted multiple workshops, but it has promulgated revisions to its Integrated Resource Planning Rules.⁴ The Commission has also promulgated the Renewable Energy Standard Rules,⁵ and the Missouri Energy Efficiency Investment Act Rules.⁶

On March 18, 2013, the Commission's Staff filed a recommendation to close these workshops stating that no further action is required by the Commission to satisfy the requirement of PURPA, as amended by EISA. In specific Staff states:

The Commission held in its recent, December 12, 2012, Union Electric Company, d/b/a Ameren Missouri, rate case, File No. ER-2012-0166, Report And Order at page 117: (a) nothing further remains for the Commission to determine in response to PURPA Sections 111(d)(16) and 111(d)(17); and (b) no greater ongoing activity is needed in response to PURPA Sections 111(d)(18) and 111(d)(19).

The Commission held in its recent, January 9, 2013, Kansas City Power & Light Company, rate case, File No. ER-2012-0174, and KCP&L Greater Missouri Operations Company, rate case, File No. ER-2012-0175, Report And Order: (a) at pages 45 and 46, respectively, that nothing further remains for the Commission to determine in response to PURPA Sections 111(d)(16) and 111(d)(17); and (b) at

standard) for the affected utilities; or (3) the State legislature voted on the implementation of the standard (or a comparable standard) for the affected utilities.

³ Congress originally had mis-numbered the new PURPA standards. Once corrected, the Commission appropriately captioned the Smart Grid Investments Standard as Section 111(d)(18) and the Smart Grid Information Standard, as Section 111(d)(19).

⁴ 4 CSR 240 - Chapter 22.

⁵ 4 CSR 240-20.100.

⁶ 4 CSR 240-20.093 and 20.094.

page 49 that no greater ongoing activity is needed in response to PURPA Sections 111(d)(18) and 111(d)(19).

The Staff submitted in the recent rate case of The Empire District Electric Company, File No. ER-2012-0345, as part of its Cost Of Service Revenue Requirement Report a section written by Staff expert witness Natelle Dietrich which provided competent and substantial basis that (a) nothing further remains for the Commission to determine in response to PURPA Sections 111(d)(16) and 111(d)(17), and (b) no greater ongoing activity is needed in response to PURPA Sections 111(d)(18) and 111(d)(19). No party filed any testimony challenging Ms. Dietrich's testimony on these matters. A Nonunanimous Stipulation And Agreement was filed on February 22, 2013. In its February 27, 2013, Order Approving Stipulation And Agreement, the Commission stated that it was treating the Nonunanimous Stipulation And Agreement as unanimous since the only party not a signatory to the Nonunanimous Stipulation And Agreement stated at the on-the-record proceeding that it did not oppose the Nonunanimous Stipulation And Agreement and did not intend to request a hearing.

Consideration of the standards is allowed in individual rate cases under EISA. No specific rulemaking is required, and the existence or promulgation of comparable standards also satisfies EISA.

Given the Commission has complied with the requirements of EISA, i.e, has completely and thoroughly reviewed the standards in workshops and has reviewed the standards and their application on an individual electric utility basis in the most recent rate cases; and given the Commission has promulgated comprehensive rules on electric utility resource planning, renewable energy and energy efficiency, the Commission determines that its promulgated electric utility regulations and the procedures it has conducted have fully complied with, or exceeded, the federal standards articulated in EISA. Consequently, the Commission need take no further action in these matters and the files will be closed.

THE COMMISSION ORDERS THAT:

1. File Numbers EW-2009-0290, EW-2009-0291, EW-2009-0292 and EW-2009-0293 are closed.

2. This order shall become effective immediately upon issue.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge