

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

In the Matter of a Working Case to)	
Explore Emerging Issues in Utility)	Case No. EW-2017-0245
Regulation)	

**PUBLIC COUNSEL’S COMMENTS
ON THE STAFF’S FOURTH DRAFT RULE**

COMES NOW the Office of the Public Counsel (“OPC”) and for its Comments on the Public Service Commission Staff’s Fourth Draft Rule, states as follows:

1. On January 15, 2020, the Staff filed its Notice of Fourth Draft Rule for Comment and Fiscal Impact Estimates. The Staff seeks comments and fiscal impact estimates if the Commission were to adopt new rules that follow the Staff’s fourth draft.

2. The Staff’s proposed rule would require electric utilities to build a database of the location, capacity, performance requirements, and adoption potential studies for solar, wind, combined heat & power (CHP) and storage within its service territory. The rules would also require each electric utility’s triennial compliance filings to consider a 20-year resource planning potential for cost-effective DERs within its service territory under low, medium, and high penetration scenarios. Each triennial compliance filing would include a transmission and distribution analysis of how DERs could be used to address reliability concerns at areas of congestion, how DERs could impact costs, and how investments in transmission and distribution could impact other utility programs, such as demand response and energy efficiency.

3. The OPC’s prior comments filed in this docket cautioned the Commission that the rules are not necessary since much of the analysis required by the rule is already

being conducted with each electric utility's integrated resource planning (IRP) and special contemporary topic filings, and would not produce the outcome the OPC believes the Commission is seeking. The OPC also raised concerns that the rules would create a time-consuming and potentially costly database and separate resource analysis without an explanation of the need for a database, or an explanation of why the existing IRP and special contemporary topic filings are insufficient. The OPC continues to have these same concerns with the Fourth Draft Rules.

4. Before moving forward with the draft rules, the OPC asks that the Commission first establish clear goals related to DERs that the Commission wishes to address and provide the parties with a thorough explanation as to how the database data and the additional analyses will address those goals, otherwise the result may be a timely and potentially costly use of resources by all stakeholders without a clear objective and without rules that actually help achieve that objective. For example, if the goal is to address climate change, it may help to first ask whether the work contemplated by the rule could be counterintuitive by resulting in a focus on smaller scale solar rather than other solutions with better scale economies and opportunity costs.

WHEREFORE, the Office of the Public Counsel respectfully offers these comments and reply to the Staff's Fourth Draft Rule.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 14th day of February 2020.

/s/ Marc Poston
