

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 6th day of
July, 2010.

In the Matter of a Proposed Rulemaking Regarding)
Electric Utility Renewable Energy Standard Requirements.)
File No. EX-2010-0169

**ORDER DENYING MOTION AND APPLICATIONS FOR REHEARING AND
REQUESTS FOR STAY**

Issue Date: July 6, 2010

Effective Date: July 6, 2010

At its June 2, 2010, agenda meeting the Commission authorized its Secretary to file final orders of rulemaking to promulgate rules 4 CSR 240-3.156 and 4 CSR 240-20.100 regarding electric utility renewable energy standard requirements. As required by statute, the Commission delivered those rules to the Joint Committee on Administrative Rules (JCAR) on June 2. JCAR reviewed the rules and conducted multiple hearings. On July 1, in response to JCAR's concerns, the Commission issued a revised final order of rulemaking regarding 4 CSR 240-20.100.¹ The Commission ordered that the July 1 revised final order of rulemaking would become effective at 12:00 p.m. on July 6.

On June 30, 2010, applications for rehearing and requests for stay regarding the June 2 final order of rulemaking were filed by: Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Union Electric Company, d/b/a AmerenUE; the Missouri Energy Development Association (MEDA); and The Empire District Electric Company. The Office of the Public Counsel filed an application for rehearing and request

¹ The other rule, 4 CSR 240-3.156, merely directs the reader to the substantive rule found at 4 CSR 240-20.100 and has not drawn any comment or concern.

for stay regarding the June 2 final order of rulemaking on July 1. Also on July 1, the Missouri Retailers Association² and the Missouri Industrial Energy Consumers filed applications for rehearing and requests for stay regarding both the June 2 final order of rulemaking and the July 1 revised final order of rulemaking. On July 2, The Empire District Electric Company, Union Electric Company, d/b/a AmerenUE, the Office of the Public Counsel, and Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company, filed applications for rehearing and requests for stay regarding the July 1 revised final order of rulemaking.

Section 386.500.1, RSMo 2000, indicates the Commission shall grant an application for rehearing if “in its judgment sufficient reason therefor be made to appear.” The applicants have not shown sufficient reason to rehear either of the Commission’s orders. The Commission will deny the motion and applications for rehearing and the requests for stay.

THE COMMISSION ORDERS THAT:

1. The Application for Rehearing and Request for Stay filed by Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company regarding the June 2, 2010 final order of rulemaking is denied.

2. The Application for Rehearing and Request for Stay filed by Union Electric Company, d/b/a AmerenUE, regarding the June 2, 2010 final order of rulemaking is denied.

² The Missouri Retailers Association filed its July 1 motion for rehearing after the Commission’s vote at its agenda meeting, but before the order was issued. The Association refiled its motion for rehearing on July 2.

3. The Application for Rehearing and Request for Stay filed by the Missouri Energy Development Association regarding the June 2, 2010 final order of rulemaking is denied.

4. The Application for Rehearing and Request for Stay filed by The Empire District Electric Company regarding the June 2, 2010 final order of rulemaking is denied.

5. The Application for Rehearing and Request for Stay filed by the Office of the Public Counsel regarding the June 2, 2010 final order of rulemaking is denied.

6. The Motion for Rehearing filed by the Missouri Retailers Association regarding the June 2, 2010 final order of rulemaking and the July 1 revised final order of rulemaking is denied.

7. The Application for Rehearing and Request for Stay filed by the Missouri Industrial Energy Consumers regarding the June 2, 2010 final order of rulemaking and the July 1 revised final order of rulemaking is denied.

8. The Application for Rehearing or Revised Order of Rulemaking and Request for Stay, or in the Alternative, Request for Clarification filed by the Office of the Public Counsel regarding the July 1, 2010 revised final order of rulemaking is denied.

9. The Application for Rehearing and Request for Stay filed by Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company regarding the July 1, 2010 revised final order of rulemaking is denied.

10. The Supplemental Application for Rehearing and Request for Stay filed by the Missouri Industrial Energy Consumers regarding the June 2, 2010 final order of rulemaking and the July 1, 2010 revised final order of rulemaking is denied.

11. The Application for Rehearing and Request for Stay filed by the Missouri Energy Development Association regarding the July 1, 2010 revised final order of rulemaking is denied.

12. The Second Application for Rehearing and Request for Stay filed by the Union Electric Company, d/b/a AmerenUE, regarding the July 1, 2010 revised final order of rulemaking is denied.

13. The Application for Rehearing and Request for Stay filed by The Empire District Electric Company regarding the July 1, 2010 revised final order of rulemaking is denied.

14. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Gunn, and Kenney, CC., concur;
Davis and Jarrett, CC., dissent.

Morris L. Woodruff, Regulatory Law Judge