

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

In the Matter of the Consideration of Adoption)	
of the PURPA §111(d)(11) Net Metering)	
Standard as Required by §1251 of the Energy)	Case No. EO-2006-0493
Policy Act of 2005.)	

STAFF’S STATEMENT OF POSITION

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) and for its Statement Of Position in the above-styled proceeding, respectfully states as follows:

1. On March 15, 2007, the Commission issued its Order Establishing A Procedural Schedule For On-The-Record Presentations (“Order”) in the instant case, as well as in the other four cases addressing the new standards established by the Energy Policy Act of 2005 (*i.e.*, case Nos. EO-2006-0494, EO-2006-0495, EO-2006-0496 and EO-2006-0497). The Order directed each of the parties: a) to file no later than April 6, 2007, a pleading identifying any expert witnesses (including biographical information) that the parties intend to tender during the scheduled on-the-record presentation for each of these proceedings; and 2) to file by April 13, 2007, position statements from the parties’ identified experts outlining, for each of the new federal standards, the experts’ positions on the applicability of the prior state action exemption.

2. On April 6, 2007, the Staff filed a pleading identifying Warren T. Wood as its expert witness for the Net Metering Standard, which is the subject of the instant case, and including a biographical statement. Attached hereto as Appendix A is Mr. Wood’s statement of the Staff’s position on this issue, along with his supporting affidavit.

Respectfully submitted,

/s/ Dennis L. Frey

Dennis L. Frey
Senior Counsel
Missouri Bar No. 44697

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 13th day of April 2007.

/s/ Dennis L. Frey

Applicability of the Prior State Action Exemption to the Net Metering Standard

Warren T. Wood's statement of position on behalf of the Staff

The applicable exemption language in the Energy Policy Act of 2005 is set forth in 16 USC §2622(d), which provides:

Prior State Actions – Subsections (b) and (c) of this section shall not apply to the standard established by paragraphs (11) through (13) of section 2621(d) of this title in the case of any electric utility in a State if, before August 8, 2005-

- (1) the State has implemented for such utility the standard concerned (or a comparable standard);
- (2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility; or
- (3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility.

In 2002, the Consumer Clean Energy Act became law in Missouri (Section 386.887 RSMo). This legislation clearly defines what constitutes Net Metering in Missouri. It is not permissible for our agency to adopt Net Metering provisions contrary to this statute. Under statutory provision (1) quoted above, the prior state action exemption very clearly applies in this case, and no further Commission activity is necessary in this area until such time as the legislature decides to change the applicable statute.

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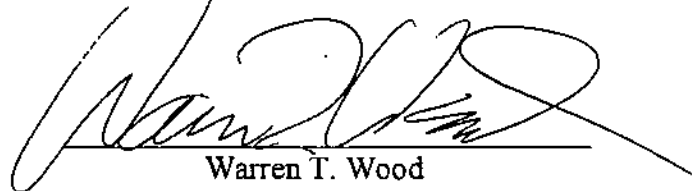
In the Matter of the Consideration of)
Adoption of the PURPA Section)
111(d)(11) Net Metering Standard as)
Required by Section 1251 of the Energy)
Policy Act of 2005.)

Case No. EO-2006-0493

AFFIDAVIT OF WARREN T. WOOD

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Warren T. Wood, of lawful age, on his oath states: that he has participated in the preparation of the attached Staff Position Statement to be presented in the above case, that the information was given by him; and that the information contained therein is true and accurate to the best of his knowledge, information and belief.


Warren T. Wood

Subscribed and sworn to before me this 13th day of April, 2007.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06842086


Notary Public

My commission expires 9-21-10