

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

In the Matter of the Consideration of Adoption of)	
the PURPA Section 111(d)(16) Integrated Resource)	<u>File No. EW-2009-0290</u>
Planning Standard as Required by Section 532 of)	
the Energy Independence and Security Act of 2007.)	

In the Matter of the Consideration of Adoption of)	
the PURPA Section 111(d)(17) Rate Design)	
Modifications to Promote Energy Efficiency)	<u>File No. EW-2009-0291</u>
Investments Standard as Required by Section 532 of)	
the Energy Independence and Security Act of 2007.)	

In the Matter of the Consideration of Adoption of)	
the PURPA Section 111(d)(18), Smart Grid)	
Investments Standard, and the PURPA Section)	<u>File No. EW-2009-0292</u>
111(d)(19), Smart Grid Information Standard, as)	
Required by Section 1307 of the Energy)	
Independence and Security Act of 2007.)	

STAFF RECOMMENDATION IN RESPONSE TO COMMISSION ORDER

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the Staff Counsel’s Office and files this Staff response to the Missouri Public Service Commission’s (“Commission’s”) February 26, 2013, Order Directing Filing, in which the Commission directed the Staff to file a recommendation as to whether the Commission needs to engage in further procedures to satisfy the requirements of the Public Utility Regulatory Policies Act (“PURPA”) as amended by the Energy Independence and Security Act of 2007 (“EISA”) and whether these files may be closed. In response, the Staff states as follows:

1. In its February 26, 2013, Order Directing Filing, the Commission directed the Staff to file a recommendation no later than March 11, 2013. On March 11, 2013, the Staff requested a one week extension of time to March 18, 2013, to file its recommendation. On March 12, 2013, by Order Granting Extension Of Time, the Commission granted an extension of time to the Staff to March 18, 2013, to file its recommendation.

2. 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).

3. 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 page 49 that no greater ongoing activity is needed in response to PURPA Sections 111(d)(18) and 111(d)(19).¹

4. 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

¹ The Staff notes that on March 13, 2013, the Western District Court of Appeals issued a Preliminary Writ Of Mandamus respecting the January 23, 2013 Order Granting Expedited Treatment, Overruling Objection, and Approving Compliance Tariffs in File Nos. ER-2012-0174 and ER-2012-0175 and directed the Commission to vacate said Order, and the provisions of said Order, stayed any enforcement thereof, and prohibited any further action in the consolidated cases, until further order of the Court.

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.

5. The Staff recommendation is that the Commission does not need to engage in any further procedures to satisfy the requirements of PURPA, as amended by EISA, respecting Sections 111(d)(16), 111(d)(17), 111(d)(18), and 111(d)(19), and File Nos. EW-2009-0290, EW-2009-0291, and EW-2009-0292 may be closed.

WHEREFORE, the Staff files its *Staff Recommendation In Response To Commission Order* of February 26, 2013, directing the Staff to file a recommendation as to whether the Commission needs to engage in further procedures to satisfy the requirements of PURPA, as amended by EISA, and whether File Nos. EW-2009-0290, EW-2009-0291, and EW-2009-0292 may be closed. The Commission does not need to engage in any further procedures to satisfy the requirements of PURPA, as amended by EISA, respecting Sections 111(d)(16), 111(d)(17), 111(d)(18), and 111(d)(19), and File Nos. EW-2009-0290, EW-2009-0291, and EW-2009-0292 may be closed.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Staff Recommendation In Response To Commission Order* have been transmitted electronically to all counsel of record this 18th day of March, 2013.

/s/ Steven Dottheim