

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

In the Matter of the Proposed Amendments to)
4 CSR 240-20.060, Filing Requirements for)
Electric Utility Cogeneration¹) **File No. EX-2020-0006**

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and respectfully files the attached *Memorandum* pursuant to General Procedure 1, stating Staff’s finding that the actual cost of implementing the rules within this docket to public and private entities has not exceeded the estimates by more than 10 percent or, where appropriate, has not exceeded five hundred dollars.

WHEREFORE, Staff files this *Memorandum* for the Commission’s information and consideration.

Respectfully submitted,

/s/ J. Scott Stacey

J. Scott Stacey
Senior Staff Counsel
Missouri Bar No. 59027
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-522-6279
573-751-9285 (Fax)
scott.stacey@psc.mo.gov

¹ This matter involved 4 CSR 240-20.060, 4 CSR 240-20.065, and 4 CSR 240-3.155; wherein, 4 CSR 240-20.060 and 4 CSR 240-3.155 amendments were rescinded. Only 4 CSR 240-2.065 was actually amended. Moreover, after the proceeding began, the regulations were moved and are now 20 CSR 4240-20.060, 20 CSR 4240-20.065, and 20 CSR 4240-3.155.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronic mail to all parties and/or counsel of record this 1st day of September, 2022.

/s/ J. Scott Stacey

MEMORANDUM

TO: Missouri Public Service Commission Official Case File No. EX-2020-0006
FROM: Claire M. Eubanks, P.E. on Behalf of Commission Staff
SUBJECT: Staff's Review of Commission Rules Regarding Net-Metering,
File No. EX-2020-0006, as required by Section 536.200, RSMo
and the Commission's General Procedure GP-1
DATE: September 1, 2022

On May 7, 2020, the Missouri Public Service Commission (Commission) issued a Notice of Finding of Necessity and Directing that Proposed Rule Amendments Be Filed for Publication. The proposed amendments included the Net Metering rule (20 CSR 4240-20.065), the Cogeneration Rule (20 CSR 4240-20.060), and a rescission of the Requirements for Electric Utility Cogeneration Tariff Filings (20 CSR 4240-3.155).

The Amended Rules 20 CSR 4240-20.060, 20 CSR 4240-20.065, and 20 CSR 4240-3.155 were filed on July 9, 2020 and a notice of proposed rulemaking was published in the *Missouri Register* on July 1, 2020 (45 MoReg 1005-1017). The public comment period ended on July 31, 2020 and a public hearing was held on August 11, 2020. After reviewing the comments regarding the proposed amendment to Cogeneration Rule (20 CSR 4240-20.060) and rescission of the Requirements for Electric Utility Cogeneration Tariff Filings (20 CSR 4240-3.155), the Commission concluded it was not the appropriate time to amend the rules and withdrew the amendments. The Commission issued its Final Order of Rulemaking regarding the proposed amendments to the Net-Metering rule on November 2, 2020. The Net-Metering rule became effective January 30, 2021.

The Commission Staff has investigated the cost of implementing the rule through this case, and reports that it has not discovered any information that would show that the cost estimates for this rule as published in the *Missouri Register* were inaccurate.

On June 2, 2022, the Commission issued an Invitation to File Comments Regarding Costs of Compliance, no party potentially or actually affected by the implementation of the subject rule has offered comments about the accuracy of the fiscal impact statement.

The Commission's General Procedure GP-1 ("GP-1") requires that, within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

The Staff's response regarding the accuracy of the published cost estimates is within the time frame specified by Section 536.200, RSMo 2019. This statute requires publication in the *Missouri Register* of a report of costs exceeding ten percent for all entities or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rule that was the subject of this case became effective on January 30, 2021. The first full fiscal year after implementation of the rule thus ended on June 30, 2022. Accordingly, September 28, 2022, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200, RSMo 2019.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Proposed Amendments)
to 4 CSR 240-2.060, Filing Requirements) **File No. EX-2020-0006**
for Electric Utility Cogeneration)

AFFIDAVIT OF CLAIRE M. EUBANKS, PE

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW Claire M. Eubanks, PE, and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Staff Recommendation in Memorandum form*; and that the same is true and correct according to her best knowledge and belief, under penalty of perjury.

Further the Affiant sayeth not.

Claire M Eubanks
Claire M. Eubanks, PE

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 15 day of September, 2022.

Dianna L. Vaughn
NOTARY PUBLIC

