

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

In the Matter of Proposed Amendment of            )  
4 CSR 240-20.065 and 4 CSR 240-20.100,        )  
Regarding Net Metering and Renewable         )  
Energy Standard Requirement                    )

**Case No. EX-2014-0352**

**STAFF FISCAL NOTE REVIEW**

**COMES NOW** the Staff of the Missouri Public Service Commission and in the Memorandum attached as Appendix A advises the Commission that it has reviewed the accuracy of the cost estimates for the implementation of the amendments to rules 4 CSR 240-20.065 and 4 CSR 240-20.100 published in the *Missouri Register* on May 1, 2015 (Vol. 40, No. 9, pp. 526-54, cost estimates on pp. 538 & 553). Staff has not discovered any information which shows that the actual costs of implementing the rule amendments—not more than five hundred dollars in the aggregate for state agencies or political subdivisions for both rule amendments, and not more than five hundred dollars in the aggregate for private entities for the rule 4 CSR 240-20.065 amendments and not more than \$510,000 in the aggregate for private entities for the rule 4 CSR 240-20.100 amendments—exceeded the \$500 cost estimates or by more than 10% the \$510,000 cost estimate. Therefore, § 536.200.2, RSMo. 2016, does not require that the Commission publish “the original estimated cost together with the actual cost during the first fiscal year . . . in the Missouri Register within ninety days after the close of the fiscal year.”

Respectfully submitted,

**/s/ Nathan Williams**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 20<sup>th</sup> day of July, 2017.

**/s/ Nathan Williams**

## MEMORANDUM

TO: Case File for Case No. EX-2014-0352

FROM: Claire M. Eubanks, PE on Behalf of the Commission Staff

SUBJECT: Rules 4 CSR 240-20.065 and 4 CSR 240-20.100, Accuracy of Cost Estimates for Rule Implementation – Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: July 17, 2017

The Commission Staff has investigated the cost of implementing the rules adopted by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimate published in the *Missouri Register* was inaccurate (as defined in the following paragraph) in connection with the implementation of Net Metering, 4 CSR 240-20.065<sup>1</sup>, and the Electric Utility Renewable Energy Standard Requirements, 4 CSR 240-20.100<sup>2</sup>, in Case No. EX-2014-0352.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rule that would show that the cost estimate published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 (“GP-1”) requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that 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 536.200.2, RSMo 2016. This statute requires publication in the *Missouri Register* of a report of any excess cost over estimated cost, or cost over five hundred dollars, where appropriate, within 90 days after the close of the “first full fiscal year” after the

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<sup>1</sup> Missouri Register 40(9) p. 538. The estimated cost of the proposed rule for state agencies or political subdivisions was not more than five hundred dollars in the aggregate. The estimated cost of the proposed rule for private entities was not more than five hundred dollars in the aggregate.

<sup>2</sup> Missouri Register 40(9) p. 553. The estimated cost of the proposed rule for state agencies or political subdivisions was not more than five hundred dollars in the aggregate. The estimated cost of the proposed rule for private entities was \$510,000 in the aggregate.

implementation of the subject rule, amendment or rescission. The rules that were the subject of this case became effective on November 30, 2015. The first full fiscal year after implementation of the rules thus ended on June 30, 2017. Accordingly, September 28, 2017, 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 536.200.2, RSMo 2016.