BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Proposed Amendments to the Missouri Public Service Commission's Rules Relating to the Missouri Energy Efficiency Investment Act	))))	**File No. EX-2016-0334**

STAFF'S MEMORANDUM

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and respectfully files the attached *Memorandum* pursuant to *General Procedure 1*, stating Staff's finding that the actual cost of the rules, 4 CSR 240-20.092, 20.093, and 20.094, 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/ Travis J. Pringle
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 1st day of August, 2019, to all counsel of record in this proceeding.

/s/ Travis J. Pringle

M E M O R A N D U M

TO: Case File for Case No. EX-2016-0334

FROM: Mark Kiesling, on Behalf of the Commission Staff

SUBJECT: Rules 4 CSR 240-20.092, 4 CSR 240-20.093, and 4 CSR 240-20.094, Accuracy of Demand-Side Programs and Demand-Side Program investment mechanisms – Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: August 1, 2019

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 to implement the Demand-Side Programs and Demand-Side Program investment mechanisms as published in the *Missouri Register* was inaccurate (as defined in the following paragraph) in connection with the implementation of MEEIA Rules, 4 CSR 240-20.092[1], 4 CSR 240-20.093[2], and 4 CSR 240-20.094[3] in Case No. EX-2016-0334.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules that would show that the cost estimate to implement the Rules 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 implementation of the subject rule, amendment or rescission. The rules that were the subject of this case became effective on October 30, 2017. The first full fiscal year after implementation of

[1] Missouri Register *42*(3) p. 160.
[2] Missouri Register *42*(3) p. 162.
[3] Missouri Register *42*(3) p. 168.

the rules thus ended on June 30, 2019. Accordingly, September 28, 2019, 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.