

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

In the Matter of a Proposed Rulemaking Regarding)  
Electric Utility Renewable Energy Standard ) **File No. EX-2010-0169**  
Requirements )

## STAFF FISCAL NOTE REVIEW MEMORANDUM

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully states to the Missouri Public Service Commission (“Commission”) the following:

1. The Commission's Orders of Rulemaking appeared in the August 16, 2010 *Missouri Register*, Volume 35, Number 16, establishing Rule 4 CSR 240-3.156 Electric Utility Renewable Energy Standard Filing Requirements, and Rule 4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements, effective September 30, 2010.

2. The rules adopted in this case established filing requirements and set forth the regulatory structure, operation, procedures and definitions relevant to compliance with the Renewable Energy Standard, Section 393.1020<sup>1</sup>, for electric corporations.

3. Section 536.200.2, RSMo requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate within the fiscal note. The fiscal notes for the above-mentioned rules appeared in the February 16, 2010 *Missouri Register*, Volume 35, Number 4, pages 365 through 389.

<sup>1</sup> Mo. Ann. Stat §§§ 393.1020, 393.1025, 393.1030 (2010).

4. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2011, and ending June 30, 2012. In the *Memorandum* attached as Appendix A, Staff advises the Commission that the Staff conducted a review of the fiscal estimates due to the rules adopted in this rulemaking case, and concludes that the General Counsel does not need to file any estimate changes with the Secretary of State.

**WHEREFORE**, the Staff files the attached *Memorandum* for the Commission's information and consideration, and states its conclusion that no fiscal estimate changes need filing with the Secretary of State for Rules 4 CSR 240-3.156 and 4 CSR 240-20.100.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez  
Senior Staff Counsel  
Missouri Bar No. 59814

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751- 8706 (Telephone)  
(573) 751-9285 (Fax)  
[jennifer.hernandez@psc.mo.gov](mailto:jennifer.hernandez@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served via e-mail upon all parties and subscribers of record in the Commission's Electronic Filing and Information System this 20<sup>th</sup> day of July 2012.

**/s/Jennifer Hernandez**

## MEMORANDUM

TO: Case File for Case No. EX-2010-0169

FROM: Michael Taylor, on Behalf of the Commission Staff

SUBJECT: Rules 4 CSR 240-3.156 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 20, 2012

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 the Electric Utility Renewable Energy Standard Filing Requirements, 4 CSR 240-3.156<sup>1</sup>, and the Electric Utility Renewable Energy Standard Requirements, 4 CSR 240-20.100<sup>2</sup>, in Case No. EX-2010-0169.

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 2000. 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 September 30, 2010. The first full fiscal year after implementation of the rules thus ended on June 30, 2012. Accordingly, September 28, 2012, 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 2000.

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<sup>1</sup> 35 Mo. Reg. 365. The estimated cost of the proposed rule for state agencies or political subdivisions was not more than five hundred dollars in the aggregate.

<sup>2</sup> 35 Mo. Reg. 365. The estimated cost of the proposed rule for state agencies or political subdivisions was \$151,032 per year through at least 2021.

  
Notary Public