

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

Recommendation to Rescind 4 CSR 240-3.155)	
Filing for Electric Utility Cogeneration Tariff Filings,)	File No. EX-2019-0378
And Amend 4 CSR 240-20.060 Cogeneration and)	
4 CSR 240.065 Net Metering)	

PUBLIC COUNSEL’S RESPONSE TO STAFF RECOMMENDATION

COMES NOW, the Office of the Public Counsel (OPC), by and through counsel, and in response to Staff’s Recommendation, states as follows:

1. Renew Missouri Advocates d/b/a Renew Missouri (Renew Missouri) initiated the above captioned rule making docket on June 3, 2019.
2. Thereafter, the Staff of the Public Service Commission (Staff) filed its Recommendation to the Public Service Commission (Commission) on June 14, 2019, as to how to respond to Renew Missouri’s petition.
3. OPC responds now to offer the attached Memorandum from OPC’s Chief Economist justifying the need for disclaimer language for customer-owned solar installations.
4. OPC offered these same comments in the workshop preceding this rulemaking docket, EW-2018-0078. During that workshop, as is now, neither Renew Missouri, Staff, or any other party, opposed OPC’s recommended disclaimer provisions.

WHEREFORE, OPC again requests that the Commission consider the need for disclaimer provisions and consumer protections, and submits the attached Memorandum.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Caleb Hall

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**Attorney for the Office of the Public
Counsel**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 9th Day of July, 2019, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall

MEMORANDUM

To: Missouri Public Service Commission Official Case File,
Case No. EW-2018-0078

From: Geoff Marke, Chief Economist
Missouri Office of the Public Counsel

Subject: Commission Rules Related to Cogeneration and Net Metering

Date: June 15, 2018

General Comments:

OPC appreciates the opportunity to re-file comments to the Commission regarding rule revisions related to cogeneration and net metering. The entirety of our comments are the same as our October 13, 2017 recommendations and are limited to proposing that customer disclaimer language regarding the purchase of rooftop solar be codified. As the Commission is well aware, disclaimer language is currently in place for each of the electric investor-owned utilities as a result of their most recently filed rate cases (ER-2016-0023 Empire District Electric, ER-2016-0156 KCPL Greater Missouri Operations, ER-2016-0179 Ameren Missouri, and ER-2016-0285 Kansas City Power and Light). The inclusion of similar disclaimer language into Commission rules will ensure needed consumer protection and transparency is codified moving forward.

It is worth noting, that no interveners objected to OPC's proposed language.

Disclaimer Language:

If a ratepayer considers making a large-scale capital investment they should be cognizant of the risk involved with that purchase. In some ways, this is no different than any other long lived investment. For example, if you pay extra for an electric car, you run the risk that gas prices drop (or electric rates increase) after you buy the car and your financial calculation may result in a much higher cost. What is different about distributed generation (or energy efficiency) is that much of the risk is subject to Commission orders. With most financial risks, there is a chance the underlying prices will go up or down 5% but a much smaller chance that those prices will change by over 50%. However, this is exactly the sort of risk ratepayers who have elected to become more efficient face whenever a rate case is opened.

Ratepayers should be informed of the financial exposure that they are accepting by electing to purchase a photovoltaic ("PV") system. To that end, OPC has drafted disclaimer language alerting potential buyers that their PV systems are subject to possible future rules and/or rate changes which could have an impact on the economic assumptions behind their purchase.

This disclaimer would not regulate the financial contents of the solar provider's offer, but would require all residential customers who are considering rooftop solar to be aware that the price and

payback assumptions seen today are not static and, in part, subject to considerable regulatory oversight.

The disclaimer language would be included at the end of the Interconnection Application/Agreement for Net Metering Systems with Capacity of one hundred kilowatts (100 kW) or less application within the rules and state the following:

Disclaimer: Possible Future Rules and/or Rate Changes
Affecting Your Photovoltaic (“PV”) System

- 1.) Your PV system is subject to the Commission’s current rates, rules and regulations. The Missouri Public Service Commission (“Commission”) may alter its rules and regulations and/or change rates in the future. If this occurs, your PV system is subject to those changes, and you will be responsible for paying any future increases to electricity rates, charges, or service fees from the Company.

- 2.) The Company’s electricity rates, charges, and service fees are determined by the Commission and are subject to change based upon the decisions of the Commission. These future adjustments may positively or negatively impact any potential savings or the value of your PV system.

- 3.) Any future electricity rate projections which may be presented to you are not produced, analyzed, or approved by the Company or the Commission. They are based on projections formulated by external third parties not affiliated with the Company or the Commission.

The undersigned warrants, certifies, and represents that the information provided in this form is true and correct to the best of my knowledge; and the installation meets all Missouri Net Metering and Solar Electric Rebate program requirements.

Print Name of Applicant

Print Installer’s Name

Applicant’s Signature

Installer’s Signature

If Applicant is a Business, Print/Title/Authority
of Person Signing on behalf of Applicant

Date

Date


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

AFFIDAVIT OF GEOFF MARKE

STATE OF MISSOURI)
) SS.
COUNTY OF COLE)

COMES NOW GEOFF MARKE and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *PUBLIC COUNSEL'S RESPONSE TO STAFF RECOMMENDATION* and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.



Geoff Marke
Chief Economist

JURAT

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 9th day July, 2019.



JERENE A. BUCKMAN
My Commission Expires
August 23, 2021
Cole County
Commission #13754037



Jerene A. Buckman
Notary Public

My Commission expires August 23, 2021.