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JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

16-189

December 18, 2015

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Andrew Linhares regarding a proposed statutory amendment to Chapter 386, version 9 (2016-189)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Andrew Linhares on December 17, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

Jason Kander

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

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County _____
Page _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the State of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed law shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2016, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

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SEC. OF STATE

(Official Ballot Title)

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ___ do not ___(check one) expect to be paid for circulating this petition. If paid, list the payer _____.

_____	_____	_____
Signature of Affiant (Person obtaining signatures)	(Printed Name of Affiant)	Address of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. 201_.

_____	_____
Signature of Notary	Address of Notary

Notary Public (Seal)

My commission expires _____

Be it enacted by the people of the state of Missouri: 16-189

Chapter 386 is amended by adding four new sections, to be known as sections 386.900, 386.910, 386.920, and 386.930, to read as follows:

386.900. Sections 386.900 through 386.930 shall be known as the "Missouri Energy Freedom Act". These sections reflect both the critical role that abundant, affordable, sustainable, and secure supplies of renewable energy have in advancing the economy of the State and the security, health and welfare of its citizens, and the intent of the people to promote the long term sustainability, security, and affordability of energy supply by encouraging the development and utilization of renewable energy by the people of this state. The right of citizens to directly invest in renewable energy sources to meet their own energy needs, while also connecting to the electric grid, shall not be limited more than is necessary to protect the safety and security of the electric grid.

386.910. As used in sections 386.900 through 386.930, the following terms shall mean:

(1) "Aggregated renewable facility metering", a rate and metering arrangement that allows a property owner with multiple utility accounts on one property or adjacent properties or contiguous properties, all of which are served by the same retail electric supplier, such as but not limited to, a group of university or hospital buildings, municipal or other publicly owned premises, a military base, public housing, shopping mall, or farm properties, to install and operate renewable energy facilities that together do not exceed 5 MW in capacity, on such property or on the adjacent or contiguous property, for the primary purpose of offsetting part or all of the electrical energy requirements associated with the utility accounts on such properties, and allocate the related community renewable energy credits among the utility accounts on such property or adjacent or contiguous property;

(2) "Community based renewable facility access", a rate and metering arrangement that allows for multiple retail customers who are located in a community such as, but not limited to, a condominium complex, industrial park, town, or city, to contract, over a minimum 15 year term for energy produced by a renewable energy facility that does not exceed 5 MW in capacity and that is interconnected to the same public utility distribution system that serves the premises of such retail customers, and allocates related community renewable energy credits among such retail customers, provided however that the 5MW limit in capacity shall not prevent multiple renewable energy facilities serving different retail customers from co-locating;

(3) "Community renewable access arrangements", aggregated renewable facility metering, and community-based renewable facility access;

(4) "Community renewable energy credits", either the per kilowatt-hour deduction in the metered usage used by the retail electric supplier to calculate the utility bill of a retail customer that is participating in a community renewable access arrangement, or a financial amount credited to the utility bill of such a retail customer, which shall be calculated by applying a specified amount per kilowatt-hour, determined as set forth in rules adopted by the commission or in the policies of the governing body of a municipal utility or retail electric supplier, to the energy generated by a renewable energy facility on behalf of such customers;

(5) "Renewable energy resources", the same meaning as set forth in subdivision (6) of subsection 2 of section 386.890;

(6) "Renewable energy facility", a facility that produces renewable energy resources;

(7) "Retail electric supplier", the same meaning as set forth in subdivision (7) of subsection 2 of section 386.890;

(8) "Utility account" or "retail customer" means a specific customer account that is receiving service and billed for such service by a retail electric supplier.

386.920. Notwithstanding any provision in this chapter or chapters 393 or 394 to the contrary, the owner or operator of a qualified electric generation unit serving a customer-generator as defined in section 386.890, or of a renewable energy facility that is used in a community renewable access arrangement, that provides renewable energy resources to a retail customer through a power purchase agreement, a sale and leaseback of equipment, or other form of contract between the retail customer and the owner or operator of such qualified electric generation unit or renewable energy facility, shall not be determined by reason of such ownership, operation, contract, or provision of energy, to be an electrical corporation or public utility as those terms are defined in section 386.020, nor shall such owner or operator be precluded from installing, owning or operating the qualified electric unit or renewable energy facility as allowed by section 386.910 or section 386.930 and providing the related renewable energy resources to a customer that is receiving utility service from a retail electric supplier. Nothing in this subsection shall be construed as amending or superseding the commission's authority to ensure safe operation of any electric plant as granted in and pursuant to subsection 1 of section 386.310.

386.930.1. Each retail electric supplier shall offer the interconnection and metering arrangements and community renewable energy credits necessary to facilitate and support the community renewable access arrangements.

2. Within 60 days of the effective date of this section, the commission shall promulgate initial rules to establish the terms and conditions under which the retail electric suppliers regulated under chapter 393, shall be required to interconnect with and support each of the community renewable access arrangements, including the determination of community renewable energy credits to be applied in such arrangements, and shall conclude such proceeding by adopting a proposed rule within 180 days of promulgating the initial rules. Within twelve months of the effective date of this section, the governing body of a municipal utility or rural electric cooperative shall also adopt policies establishing the terms and conditions under which such municipal utilities or rural electric cooperatives shall be required to interconnect with and support each of the community renewable access arrangements, including the determination of community renewable energy credits. Such rules or policies shall provide that retail electric suppliers shall recover the costs of any additional distribution equipment that the retail electric supplier is required to install to accommodate the installation of the renewable energy facility that is

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part of a community renewable access arrangement from the owner or operator of such facility or from the customers participating in the community renewable access arrangement. The provisions of subsections 11, 13, 16, and 17 of section 386.890 shall also apply to renewable energy facilities used in community renewable access arrangements to the same extent they apply to the generation units of customer-generators under section 386.890.

3. In any rulemaking or other proceeding required by subsection 2 of this section, provisions equivalent to the interconnection provisions set forth in subsections 6, 7, and 15 of section 386.890, and provisions equivalent to those in subsection 5 of section 386.890 for the calculation of a net electrical energy measurement and application of credits for net excess energy generated, shall be presumed reasonable and shall apply to the utility bills of the retail customers in community renewable access arrangements unless alternate terms and conditions are shown by clear and convincing evidence to be necessary either to protect the safety and security of the electric grid or to better meet the criteria set forth in subsection 4 of this section. In no circumstance, however, shall the commission or governing body of a municipal utility or rural electric cooperative approve an alternate means of calculating community renewable energy credits that results in an amount less than the sum of the retail electric supplier's avoided energy and capacity costs, and any avoided transmission and distribution costs that result from the installation and operation of such facility, and other avoided costs identified by the commission or governing body of a municipal utility or rural electric cooperative.

4. In adopting the rules or policies provided for in this section, and when reviewing tariffs, contracts for service, interconnection agreements or rates, or deciding complaints relating to community renewable access arrangements, the commission or governing body of a municipal utility or retail electric supplier shall balance each of the following objectives:

(1) maximizing the use of in-state renewable energy resources by citizens of the state and removing or reducing existing barriers including, but not limited, to requirements for costly studies and other preconditions to interconnection or the lack of standardized terms, to the direct investment by individuals, businesses, and other entities in renewable energy resources;

(2) promoting private investment in renewable capacity in the state;

(3) promoting the diversification of the state's supply portfolio and reducing the state's dependence on fossil fuel energy sources;

(4) mitigating more costly transmission and distribution investments otherwise needed for system reliability;

(5) encouraging the growth of jobs and other economic development within the state;

(6) minimizing the long term costs associated with future additions of capacity needed to meet the state's energy requirements; and

(7) furthering the long term affordability, reliability, and security of energy supply.