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ARKANSAS PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF AMENDMENTS)
TO THE ARKANSAS PUBLIC SERVICE)
COMMISSION'S RULES CONCERNING)
METER AGGREGATION AND COMBINED)
BILLING FOR NET-METERING)
CUSTOMERS)

DOCKET NO. 12-060-R
ORDER NO. 3

ORDER

On August 8, 2012, by Order No. 1 in this docket, the Arkansas Public Service Commission ("Commission") established a schedule for the consideration of the issue of meter aggregation for net metering customers, which included a public hearing set for October 31, 2012. Order No. 1 directed parties to file legal briefs addressing the issue of whether the Commission has the legal authority to adopt rules allowing meter aggregation for net metering customers, and invited parties to comment on a "strawman" proposal for such rules. On October 17, 2012, Staff submitted a *Motion for Ruling on the Legal Issue and to Cancel the Hearing* ("Motion") and the Electric Cooperatives submitted a *Response to Staff's Motion for Ruling on the Legal Issue and to Cancel the Hearing* ("Response").

Staff notes that the issue of the Commission's authority to adopt meter-aggregation rules to promote net metering has been fully briefed by the parties. Motion at ¶ 4. Staff indicates that, if the Commission determines that it does not have such authority, then a hearing to discuss specific rule provisions is unnecessary. *Id.* at 6. On the other hand, Staff indicates that, if the Commission determines that does have this legal authority, then an additional public hearing would be needed to consider a promulgated rule. *Id.* at 7. Staff thus requests that the Commission cancel the October

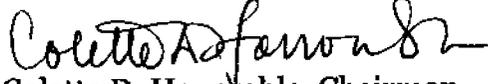
31, 2012 public hearing and make a determination on its legal authority in this matter. *Id.* at 8. Entergy Arkansas Inc. (“EAI”), Southwestern Electric Power Company (“SWEPCO”), Oklahoma Gas and Electric Company (“OG&E”), Empire District Electric Company (“Empire”), the Arkansas Attorney General (“AG”), the State Agency Group, William Ball and the Arkansas Advanced Energy Association (“AAEA”) do not oppose the Staff Motion. *Id.* at ¶ 8.

The Electric Cooperatives agree that the October 31, 2012 hearing should be cancelled. Response at ¶ 2. The Electric Cooperatives, however, do not agree that the Commission should make a determination of its legal authority. *Id.* at ¶ 3. Rather, given the divergence of opinion reflected in the legal briefs, the Electric Cooperatives state that the Commission should suspend all activity in this docket to allow the legislature the opportunity to provide additional guidance. *Id.*

Based on the agreement of all Parties that the hearing should be canceled, and given the necessity on the part of all parties to make plans regarding a hearing one week from today, the Commission issues a limited ruling at this time cancelling the hearing.

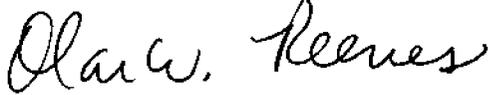
BY ORDER OF THE COMMISSION,

This 24th day of October, 2012.

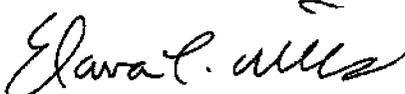

Colette D. Honorable, Chairman

I hereby certify that this order, issued by the Arkansas Public Service Commission, has been served on all parties of record on this date by the following method:

U.S. mail with postage prepaid using the mailing address of each party as indicated in the official docket file, or
 Electronic mail using the email address of each party as indicated in the official docket file.



Olan W. Reeves, Commissioner



Elana C. Wills, Commissioner



Kristi Rhude, Secretary of the Commission