

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

In the Matter of Roeslein Alternative Energy Services,	)	
LLC's Request for a Commission Order Declining	)	
Jurisdiction, or, in the Alternative, Roeslein Alternative	)	
Energy Services, LLC's Application for Permission and	)	<u>File No. GA-2016-0271</u>
Approval and a Certificate of Convenience and Necessity	)	
to Construct, Install, Own, Operate, Maintain, and	)	
Otherwise Control and Manage a Gas Gathering System	)	

STAFF RESPONSE

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission, ("Commission") by and through counsel, and for its *Staff Response*, states as follows:

1. On April 12, 2016, Roeslein Alternative Energy Services, LLC (RAES), filed its *Request for Order Regarding Lack of Jurisdiction, or, in the Alternative, Application for a CNN* with the Commission.

2. On April 13, 2016, the Commission directed Staff to submit a recommendation on the application by May 12, 2016. On May 6, 2016, the Staff filed its *Motion for Extension of Time* requesting the deadline to file Staff's recommendation be scheduled not later than June 28, 2016, and on May 10, 2016, the Commission granted Staff's motion for extension.

3. On June 28, 2016, Staff filed its *Staff Recommendation*, wherein Staff recommends that the Commission find that it lacks jurisdiction over RAES as a public utility with respect to its Proposed Central Corridor Pipeline, based on a list of assumptions Staff developed through RAES data request responses and Staff's investigation of RAES's operation at Ruckman Farm. Staff's recommendation makes no determination regarding RAES's Proposed Eastern and Western Corridor Pipelines. RAES is only able to provide specific information regarding the location of the proposed

central corridor pipeline and interconnection points with ANR for its Proposed Central Corridor Pipeline; RAES has not provided Staff with information regarding the location of its Proposed Eastern and Western Corridor Pipelines and interconnection point with ANR for its Proposed Eastern Corridor Pipeline. As such, Staff's *Recommendation* is limited to the Proposed Central Corridor Pipeline.

4. On July 7, 2016, RAES filed its *Response to Staff Recommendation*, wherein it "seeks to provide clarification" on two of Staff's assumptions. RAES states, in part, why it believes it should not be required to renew its application for its Proposed Eastern and Western Corridor Pipelines. RAES commits to make a presentation regarding the details of the Proposed Eastern and Western Corridor Pipelines at least three (3) months prior construction on such lines and make clear its intent of filing an application at that time.

5. Staff's recommendation is limited to the Proposed Central Corridor Pipeline and makes no determination regarding RAES's proposed Eastern and Western Corridor Pipelines. The information and sufficient detail regarding the location and operation of such pipelines which RAES is presently unable to provide is determinative in the analysis as to whether RAES's proposed operation meets the definition of a public utility as defined by Statute and Commission Rule.

6. RAES also states its intent to file an application for variance or waiver relating to Staff's assumption based on RAES's representations that an odorant will be injected into the gas. Staff believes that any future waiver request does not pertain to this application and will be addressed at a future time.

7. Staff's recommendation also notes that while its recommendation affirms RAES's application for the Proposed Central Pipeline as not being a public utility for the purposes of Commission regulation as a public utility based on the representations made to Staff during its investigation¹ set forth in Staff's recommendation, RAES will still be subject to the applicable requirements of the Missouri Public Service Commission Pipeline Safety Regulations in 4 CSR 240-40.020, 40.030 and 40.080.

8. As RAES raises no objection to the *Staff Recommendation* and states an understanding that the *Staff Recommendation* is limited to the Central Pipeline Corridor, therefore Staff sees no benefit to scheduling a pre-hearing conference on the substance of the application.

WHEREFORE, Staff respectfully requests the Commission issue an order finding that the Commission does not have jurisdiction over the construction or operation of the Proposed Central Corridor Pipeline as proposed by RAES, subject to the aforementioned assumptions in its *Staff Recommendation* in this case file, and reserving jurisdictional review for the Proposed Eastern and Western Corridor Pipelines, and requests an instruction that RAES renew its request when information sufficient for the Commission to make a jurisdictional determination is available.

¹ As stated in Staff's recommendation, should the plans, conditions, terms, descriptions, or representations and assumptions set forth in the Staff recommendation change for the Proposed Central Corridor Pipeline or future projects, Staff's recommendation may change as to the Commission's jurisdiction and a CCN may be required.

Respectfully submitted,

/s/ Hampton Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record on this 12th day of July, 2016.

/s/ Hampton Williams