

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

In the Matter of the Application of EDF Energy)
Services, LLC for Certification as a Seller of) **File No. GA-2017-0340**
Energy Services in the State of Missouri)

**STAFF MOTION TO COMPEL RESPONSES TO DATA REQUESTS
AND FOR EXTENSION OF TIME TO FILE RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its Motion to Compel Responses to Data Requests and for Extension of Time to File Recommendation (“Motion”) states as follows:

1. On June 15, 2017, EDF Energy Services, LLC (“EDF”), filed an application with the Commission for certification as a seller of energy services in the state of Missouri pursuant to Section 393.299, RSMo.

2. Also on June 15, 2017, the Commission issued, by delegation of authority, an Order directing Staff to file a recommendation regarding EDF’s application no later than June 30, 2017.

3. On June 27, 2017, Staff filed its first Motion for Extension of Time to File Recommendation herein, which stated in part as follows:

5. **Based on EDF’s application it is impossible to determine exactly what “energy services” EDF proposes to provide or where** (upstream or downstream of city-gate) it proposes to provide those “energy services.” Therefore, **Staff needs additional time to conduct discovery and analyze EDF’s responses before providing a recommendation in this matter.** Given that the Commission’s rule governing discovery, 4 CSR 240-2.090(2) provides parties twenty (20) days to answer data requests, at this time Staff believes it will need an additional forty-five (45) days to prepare and file its recommendation in this matter.

6. EDF's application contains no evidence that it is properly registered to do business in the state of Missouri. In addition, 4 CSR 240-3.285 requires gas sellers seeking certification pursuant to 393.297 - 393.302, RSMo, to provide a list of each political subdivision in which it sells gas; however, EDF's application contains a list of LDC service territories in which it plans to potentially serve rather than a list of political subdivisions. (Emphasis added)

4. Based on the above, the Commission extended the time for Staff to file a recommendation in this matter to August 14, 2017.

5. On July 6, 2017, Staff submitted four (4) data requests to EDF (copies of which are attached hereto and incorporated herein by reference), responses to which were originally due July 26, 2017. This would have allowed sufficient time for Staff to analyze EDF's responses and prepare and file a recommendation on August 14, 2017.

6. On August 11, 2017, having received no responses to the data requests submitted July 6, 2017, Staff filed its second Motion for Extension of Time to File Recommendation herein.

7. Based on Staff's second Motion for Extension, on August 11, 2017, the Commission extended the time for Staff to file a recommendation in this matter to September 14, 2017.

8. As of the opening of business on September 13, 2017, Staff had still received no responses to the four (4) data requests submitted to EDF on July 6, 2017. Therefore, Staff is unable to file a recommendation on September 14, 2017.

9. Commission Rule 4 CSR 240-2.090, which governs discovery in cases before the Commission, provides in subsection (2) that parties shall have 20 days to respond and 10 days to object to data requests. EDF did not object to the data requests submitted by Staff on July 6, 2017.

10. The undersigned counsel has conferred by telephone with counsel for EDF concerning this matter and arranged for a telephone call with the presiding officer as required by subsection (8) of Commission Rule 4 CSR 240-2.090.¹

11. Staff is unable to prepare and file a recommendation in this matter until it receives and analyzes EDF's responses to the data requests (to which EDF did not object) submitted by Staff on July 6, 2017.

WHEREFORE, Staff moves the Commission issue an order (1) compelling EDF to respond to the attached data requests by a date certain to be determined by the Commission and (2) extending the due date for Staff's recommendation on EDF's application until two weeks after EDF's responses are due pursuant to the Commission's order.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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Attorney for the Staff of the
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Commission

¹ On September 8, 2017, counsel for EDF indicated via email that he would be available after 10 a.m. on September 12 for such call, so the call was scheduled for 10:30 a.m. on September 12. However, when Staff counsel called him on September 12 to initiate the call with the RLJ, Staff counsel was informed that counsel for EDF was on a flight leaving Missouri, which had been rescheduled from the previous day.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 13th day of September, 2017.

/s/ Jeffrey A. Keevil

DATA INFORMATION REQUEST

Case No. GA-2017-0340

Requested From: EDF Energy Services, LLC

Date Requested: July 6, 2017

Information Requested:

Does EDF Energy Services, LLC ("EDF") plan to provide gas marketing service(s) in Missouri? If yes, please describe the marketing service(s) EDF plans to provide. Where will title to the gas transfer from EDF to the buyer (i.e., upstream or downstream of the city-gate)? Please provide copies of representative EDF contracts pertaining to the gas marketing services contemplated.

Requested By: Jeff Keevil

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. GA-2017-0340 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title, number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies of data, recordings, transcriptions and printed, typed or written materials of every kind of your possession, custody or control within your knowledge. The pronoun "you" or "your" refers to and its employees, contractors, agents or others employed by or acting in its behalf.

Response Prepared/Signed By and Title: _____

Date Response Provided: _____

DATA INFORMATION REQUEST

Case No. GA-2017-0340

Requested From: EDF Energy Services, LLC

Date Requested: July 6, 2017

Information Requested:

Please specifically describe the "energy services" (as defined in Section 393.298, RSMo) which EDF Energy Services, LLC ("EDF") plans to provide in Missouri in addition to gas marketing, if any. If none, please indicate. If there are additional "energy services," please provide copies of representative EDF contracts pertaining to such services.

Requested By: Jeff Keevil

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Response Prepared/Signed By and Title: _____

Date Response Provided: _____

DATA INFORMATION REQUEST

Case No. GA-2017-0340

Requested From: EDF Energy Services, LLC

Date Requested: July 6, 2017

Information Requested:

Is EDF Energy Services, LLC registered/authorized to do business in the State of Missouri? If yes, please provide copies of documentation from the Missouri Secretary of State's Office evidencing such.

Requested By: Jeff Keevil

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Response Prepared/Signed By and Title: _____

Date Response Provided: _____

DATA INFORMATION REQUEST

Case No. GA-2017-0340

Requested From: EDF Energy Services, LLC

Date Requested: July 6, 2017

Information Requested:

As part of its Application for Certification as a Seller of Energy Services in the State of Missouri, EDF Energy Services, LLC ("EDF") filed a sheet titled "List of Political Subdivisions in Which EDF Energy Services, LLC Provides Energy Services" which lists natural gas local distribution company ("LDC") service territories rather than political subdivisions. Would EDF Energy Services, LLC be willing to file an amended list of political subdivisions which deletes the references to LDC service territories and states as follows?

EDF Energy Services, LLC does not currently provide energy services to any political subdivisions in Missouri, but plans to potentially provide energy services in the future to political subdivisions in Missouri. EDF Energy Services, LLC will notify the Commission within 48 hours if it begins providing energy services in any Missouri political subdivision, or stops providing energy services in any Missouri political subdivision, as required by Commission rule.

Requested By: Jeff Keevil

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