

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

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| In the Matter of The Empire |) | |
| District Electric Company for Authority |) | <u>File No. ER-2014-0351</u> |
| to File Tariffs Increasing Rates for |) | Tracking No.: YE-2015-0074 |
| Electric Service Provided to Customers |) | |
| in the Company's Missouri Service Area |) | |

ORDER GRANTING MOTION TO ADD NEW MEMBERS

Issue Date: November 10, 2014

Effective Date: November 10, 2014

On September 24, 2014, the Commission granted the application of the Midwest Energy Consumers Group ("MECG") to intervene in this matter. MECG, an unincorporated association of large electricity users, intervened on behalf of General Mills, Walmart, Sam's Club East, and Praxair. On October 27, 2014, MECG filed a Motion to Add New Members. MECG specifically requested the addition of five other large industrial customers: Jasper Products, LLC.; Tyson Foods, Inc.; Tamko Building Products, Inc.; George's Processing, Inc.; and, Simmons Feed Ingredients, Inc.

Commission Rule 4 CSR 240-2.075(7) requires an association like MECG to file a motion if it seeks to add new members while a case is pending. Pursuant to Commission Rule 4 CSR 240-2.075(10), the Commission may grant a motion to add new members upon a showing of good cause. To constitute good cause, the reason or legal excuse given "must be real not imaginary, substantial not trifling, and reasonable not whimsical."¹ Unfamiliar with the Commission's procedures, it is reasonable that the five entities were unable to complete a due diligence review prior to MECG's September 24, 2014

¹ *Belle State Bank v. Indus. Comm'n*, 547 S.W.2d 841, 846 (Mo. App. S.D. 1977). See also *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947) (to show good cause, reason given must be real, substantial, and reasonable).

intervention. The five entities seeking to join MECG are similarly situated to the current members of MECG and will not cause the introduction of new issues. Their admission in MECG will not prejudice other parties. No objections to MECG's motion were received.

Finding good cause exists, the Commission will grant MECG's Motion to Add New Members.

THE COMMISSION ORDERS THAT:

1. MECG's motion to add Jasper Products, LLC.; Tyson Foods, Inc.; Tamko Building Products, Inc.; George's Processing, Inc.; and, Simmons Feed Ingredients, Inc. as new members to its association is granted.
2. All additional members of MECG are bound by the record in this matter and must comply with any previously issued Commission orders.
3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Kim S. Burton, Regulatory Law Judge,
by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of November, 2014.