

**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 FOR EXTENSION OF TIME  
TO FILE RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its Motion 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.

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. In Case No. GO-2004-0195<sup>1</sup>, on February 24, 2005, Staff filed its Energy Sellers Report (“Report”) resulting from its investigation regarding “sellers” providing “energy services” as defined by Sections 393.297 - 393.302, RSMo.<sup>2</sup> At that time, based on its investigation Staff concluded that certification of sellers involving “upstream” natural gas transactions (where title to the natural gas passes before the city-gate) is not required under the statutes and that the evidence that “downstream” (after the city-gate) passage of title was not occurring made certification unnecessary.

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<sup>1</sup> *In the Matter of an Investigation into Compliance with the Required Registration of Sellers of Electricity and Gas for Use or Consumption within Missouri.*

<sup>2</sup> See also 4 CSR 240-3.285.

4. Based on the analysis and reasoning contained in the Report, on May 7, 2009, in Case No. GA-2009-0384<sup>3</sup>, Staff filed its suggestion that the application of U.S. Energy Services, Inc. for certification as a seller of energy services in the state of Missouri be dismissed, and on June 18, 2009, the Commission issued an *Order Dismissing Application* in which it stated that “Staff explains that the statute applies only to energy sellers who transfer title to gas downstream of an LDC’s city gate” and “the Commission finds [Staff’s] recommendation persuasive.”

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.

#### **Additional problems with application**

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.

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<sup>3</sup> *In the Matter of the Application of U.S. Energy Services, Inc. for Certification as a Seller of Energy Services in the State of Missouri.*

**WHEREFORE,** Staff moves the Commission for an order granting Staff until August 14, 2017, to file its recommendation regarding EDF's application.

Respectfully submitted,

**/s/ Jeffrey A. Keevil**

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**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 27<sup>th</sup> day of June, 2017.

**/s/ Jeffrey A. Keevil**