

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

In the Matter of the Application of South)
Central MCN LLC for Approval of Transfer)
of Assets and a Certificate of Convenience)
and Necessity)

File No. EA-2016-0036

MOTION FOR CLARIFICATION OF ORDER
GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY

COMES NOW South Central MCN LLC (SCMCN), by and through counsel, and hereby requests that the Commission clarify one aspect of its Order Granting Certificate of Convenience and Necessity. In support of its request, SCMCN states as follows:

1. On August 19, 2015, SCMCN filed an Application pursuant to Sections 393.170 and 393.190 RSMo., 4 CSR 240-2.060, 4 CSR 240-3.105, and 4 CSR 240- 3.110 for an Order of the Commission granting it a Certificate of Convenience and Necessity to own and operate certain existing transmission assets and related facilities that SCMCN is purchasing from the City of Nixa pursuant to an Asset Purchase Agreement (“APA”)(Appendix A to the Application) between SCMCN and Nixa or, in the alternative, authorizing SCMCN and Nixa to execute any and all documents necessary to effectuate the transaction in question.

2. At page 12, paragraph 36 of its Application, SCMCN requests that the Commission waive certain Commission regulations involving reporting requirements, including those contained in 4 CSR 240-3.165, Annual Report Submission Requirements for Electric Utilities. In that same paragraph, SCMCN agreed to file with the Commission the annual report that it files with FERC.

3. On June 23, 2016, Staff filed its Staff Memorandum Recommendation. At paragraph 40, pages 19-20, Staff notes that SCMCN “offers/agrees to file with the Commission

the annual report that it files with the FERC” and concurs with SCMCN’s waiver requests, including 4 CSR 240-3.165, Annual Report Submission Requirements for Electric Utilities.

4. On July 20, 2016, the Commission issued its Order Granting Certificate of Convenience and Necessity. At page 5 of the Order, the Commission agreed with SCMCN and Staff and waived those regulations. However, when it listed the regulations to be waived, the Commission mistakenly labeled 4 CSR 240-3.165 as “Fuel and Purchased Power Cost Recovery” rather than the accurate “Annual Report Submission Requirements for Electric Utilities.” The correct citation for “Fuel and Purchased Power Cost Recovery” is 4 CSR 240-3.161, not 4 CSR 240-3.165. The Commission, at paragraph 1.g. on page 7 of the Order, requires SCMCN to file the FERC Annual Report.

5. SCMCN believes that the Commission’s intention was to waive 4 CSR 240-3.165, Annual Report Submission Requirements for Electric Utilities, and require SCMCN to file the FERC Annual Report instead.

6. SCMCN suggests that perhaps the simplest way to clarify this issue would be to correct the title of 4 CSR 240-3.165 to read “Annual Report Submission Requirements for Electric Utilities” instead of “Fuel and Purchased Power Cost Recovery” on page 5 of the Order.

WHEREFORE, SCMCN therefore respectfully requests the clarification to the Order Granting Certificate of Convenience and Necessity as set forth above.

Respectfully submitted,



Terry M. Jarrett, Missouri Bar #45663
Healy Law Offices, LLC
514 East High Street, Suite 22
Jefferson City, MO 65101
Phone: (573) 415-8379
Fax: (573) 415-8379
Email: terry@healylawoffices.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of January, 2017.



Terry M. Jarrett