

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

In the Matter of the Application of KCP&L)	
Greater Missouri Operations Company for)	
Approval of a Special Rate for a Facility Whose)	File No. EO-2019-0244
Primary Industry is the Production or)	
Fabrication of Steel in and Around Sedalia,)	
Missouri)	

**MECG OBJECTION TO NON-UNANIMOUS
STIPULATION AND AGREEMENT**

COMES NOW the Midwest Energy Consumers Group (“MECG”), pursuant to 20 CSR 4240-2.115(2)(B), and for its Objection to the Non-Unanimous Stipulation and Agreement executed between KCP&L Greater Missouri Operations Company (“GMO”); Staff of the Missouri Public Service Commission (“Staff”), and Nucor Steel Sedalia, LLC (“Nucor”) respectfully states as follows:

1. On July 12, 2019, GMO filed an Application for approval of a special rate to provide service to Nucor.
2. On July 22, 2019, MECG filed its Application to Intervene in this matter. At a procedural conference held on July 23, 2019, the Commission granted MECG’s application to intervene. Thus, MECG is a “party” to this matter.
3. On September 19, 2019, GMO, Staff and Nucor executed a Non-Unanimous Stipulation and Agreement in this matter.
4. Commission Rule 20 CSR 4240-2.115(2)(B) provides that “each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement.”
5. Once objected to, the Commission rule provides that the non-unanimous stipulation “shall be considered to be merely a position of the signatory parties to the

stipulated position, except that no party shall be bound by it. All issues remain for determination after hearing.” Importantly, given the holding of the *Fischer* court,¹ the Commission may not simply approve the Stipulation. Rather, the Commission is required to make specific findings of fact and conclusions of law on all of the issues addressed by the stipulation. Therefore, the Commission is required to hold a hearing on all of the issues for the purposes of receiving competent and substantial evidence on the remaining issues in this case.

6. Through this pleading, MCEG informs the Commission that it is objecting to the September 19, 2019 Non-Unanimous Stipulation and Agreement. MCEG asserts that the Non-Unanimous Stipulation is unlawful in that it does not comply with the provisions of Section 393.355.

WHEREFORE, MCEG respectfully submits this Objection to the September 19, 2019 Non-Unanimous Stipulation and Agreement.

Respectfully submitted,

 /s/ David Woodsmall
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ATTORNEY FOR THE MIDWEST
ENERGY CONSUMERS GROUP

¹ *State ex rel. Fischer v. Public Service Commission*, 645 S.W.2d 39 (Mo.App. 1982).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

/s/ David Woodsmall
David L. Woodsmall

Dated: September 24, 2019