

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 PARTIAL DISPOSITION

Applicant, South Central MCN LLC (SCMCN), pursuant to 4 CSR 240-2.117, submits this Motion for Partial Disposition (Motion) to address a threshold question: Whether the Missouri Public Service Commission (the Commission) lacks jurisdiction under Section 393.190 RSMo. over the transaction (Transaction) that is the subject of SCMCN's application for a certificate of convenience and necessity (Application).

Material Facts As to Which There Is No Genuine Issue

Pursuant to 4 CSR 240-2.117(1)(B), SCMCN states that there is no genuine issue as to the following facts that are material to this Motion:

1. On August 19, 2015, SCMCN filed its Application with the Commission pursuant to Section 393.170 RSMo. seeking a certificate of public necessity to own and operate an existing set of transmission lines.
2. The City of Nixa, Missouri (City) is a home rule charter city organized and existing under Article VI Section 19 of the Missouri Constitution.
3. The City owns and operates a municipal electric utility system for its residents and ratepayers. Direct Testimony of Robert E. Pender on Behalf of South Central MCN LLC (Aug. 17, 2015) at 3:19-3:20.
4. SCMCN and the City entered into an Asset Purchase Agreement (APA) on August 14, 2015 under which SCMCN agreed to purchase and the City agreed to sell certain existing transmission assets comprised of a single transmission line operating at 69 kV with five segments which total 10.82

miles in length, and related facilities (the Assets). Appendix A to Application; Direct Testimony on Behalf of Noman L. Williams on Behalf of South Central MCN LLC (Dec. 9, 2015) (Williams Test.) at 2:14-3:4.

5. In accordance with the SPP Membership Agreement, SCMCN will, upon purchase of the Assets, execute SPP's standard functional control agreement by which SCMCN and SPP will agree to transfer the Assets to the functional control of SPP and to integrate the Assets in to the SPP transmission system. Direct Testimony of Carl Huslig on Behalf of South Central MCN LLC (Dec. 9, 2015) at 4:12-4:14; *see also* Williams Test. at 3:13-3:15.

6. The Assets will be owned by SCMCN, a transmission-only company with no retail customers. Williams Test. at 9:1-9:9.

In support of its Motion, SCMCN submits an accompanying Memorandum in Support.

WHEREFORE, SCMCN respectfully requests that the Commission grant the Motion and determine that Section 393.190 RSMo. does not apply to the Transaction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing has been served upon all parties of record by forwarding the same by electronic mail or U.S. Mail, postage prepaid, this 18th day of December, 2015, to the following:

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