

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

In the Matter of Entergy Arkansas, Inc.'s                     )  
Notification of Intent to Change Functional                     )  
Control of Its Missouri Electric Transmission                     )  
Facilities to the Midwest Independent                     )  
Transmission System Operator Inc.                     )  
Regional Transmission System Organization                     )  
or Alternative Request to Change Functional                     )  
Control and Motions for Waiver and                     )  
Expedited Treatment                     )

**File No. EO-2013-0431**

**ENTERGY ARKANSAS, INC.'S  
MOTION FOR RECONSIDERATION**

COMES NOW Entergy Arkansas, Inc. ("EAI"), pursuant to 4CSR 240-2.160, and for its Motion for Reconsideration of the Order Granting Interventions and Setting Procedural Schedule dated on April 18, 2013 ("April 18 Order"), respectfully state as follows:

1. On February 14, 2013, EAI joined in the Joint Application initiating File No. EO-2013-0396 ("ITC Transaction Case").
2. On March 21, 2013, EAI filed its separate MISO Notice initiating this proceeding ("EAI MISO Notice Case").
3. At its agenda meeting on April 17, 2013, the Missouri Public Service Commission ("Commission") discussed consolidating the ITC Transaction Case with the

EAI MISO Notice Case for purposes of hearing. The Commission further noted its belief that there may be facts in dispute with respect to its jurisdiction in both cases and that there is a recognized need to address these matters on an expedited basis. Thereafter, the Commission issued its April 18 Order consolidating the two cases for hearing and adopting in part the procedural schedule proposed alternatively in the ITC Transaction Case to both cases. However, the briefing schedule the Commission ordered effectively extended the schedule by almost two months. EAI respectfully requests that the Commission reconsider its April 18 Order.

**I. THE APRIL 18 ORDER IS UNLAWFUL AND UNREASONABLE TO THE EXTENT IT ASSUMES FACTS IN DISPUTE THAT WARRANT A HEARING IN THIS CASE**

4. As set forth below, there are no facts in dispute that warrant a hearing. The matters set forth in this case present a straightforward legal question as to the Commission's jurisdiction. The only potential basis for the Commission's jurisdiction under Missouri law is Section 393.190.1 RSMo. However, no facts support (or have been alleged to support) application of this statute to the facts of this case. First, EAI's integration into the Midcontinent Independent System Operator, Inc. ("MISO")<sup>1</sup> involves no sale, transfer or assignment of ownership, disposition, encumbrance, or other transaction of the sort contemplated under the statute. Second and significantly, there is no fact on which to conclude that EAI's integration into MISO pertains to property which is necessary or useful in the performance of any duty by EAI to the public in Missouri; as such this matter qualifies, at a minimum, for the exemption in Section

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<sup>1</sup> MISO recently changed its name from the Midwest Independent Transmission System Operator, Inc.

393.190.1 RSMo. pertaining to matters that do not require Commission approval. EAI has no retail customers in Missouri, and the only tariffs applicable to EAI's MISO Notice case are the Federal Energy Regulatory Commission ("FERC") approved tariffs by which FERC has exerted exclusive jurisdiction. Any duty EAI has with respect to its retail customers in Arkansas pertaining to its integration into MISO has been evaluated and fully determined by the Arkansas Public Service Commission ("APSC").<sup>2</sup> Finally, the EAI MISO Notice Case presents no issue as to bundled retail rates for the reason that EAI has no retail customers in Missouri. The EAI MISO Notice Case presents issues over which FERC has exclusive jurisdiction and presents no factual disputes warranting a hearing.

5. In short, there are no factual disputes warranting this case being set for a two-day hearing before the Commission. EAI respectfully submits that the April 18 Order is unlawful and unreasonable and should be reconsidered.

**II. THE APRIL 18 ORDER IS UNLAWFUL AND UNREASONABLE TO THE EXTENT IT CONSOLIDATES THE ITC TRANSACTION CASE AND THE EAI MISO NOTICE CASE FOR HEARING**

6. Neither the FERC nor the retail jurisdictions to consider the Entergy Operating Companies'<sup>3</sup> integration into MISO consolidated their MISO proceedings with their separate proceedings considering the ITC Transaction in those respective

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<sup>2</sup> See, Order No. 76 in Docket No. 10-011-U before the APSC.

<sup>3</sup> The Entergy Operating Companies are EAI, Entergy Louisiana, LLC ("ELL"); Entergy Gulf States Louisiana, L.L.C. ("EGSL"); Entergy Mississippi, Inc. ("EMI"); Entergy New Orleans, Inc. ("ENO"); and Entergy Texas, Inc. ("ETI").

jurisdictions. Each Entergy Operating Company has already received orders from its retail regulator, subject to conditions, allowing the Operating Company's MISO integration despite the ongoing ITC Transaction proceedings in its jurisdiction. There exists no basis in the record of File No. EO-2013-0431 or otherwise for consolidating EAI's MISO Notice Case with the ITC Transaction Case for purposes of hearing or for any other purpose. The ITC Transaction Case and the EAI MISO Notice Case are two separate and independent transactions, and consolidation of the two cases for hearing presents particular harm to EAI. As noted above, EAI has obtained approval from the APSC. Further, EAI and the other Operating Companies have submitted the FERC requests for certain authorizations related to the terms and conditions of their participation in MISO pursuant to the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (the "MISO Tariff") and jurisdictional agreements under the Federal Power Act and requested action on certain of these filings prior to June 1, 2013, which will allow them to continue to meet the schedule to integrate EAI and all the Operating Companies into MISO on December 19, 2013. Because EAI is the only Operating Company terminating its participation in the System Agreement on December 18, 2013, EAI must integrate with MISO on December 19, 2013, so that it can operate its electric facilities outside of the System Agreement. Additionally, no party in the EAI MISO Notice Case requested a hearing in this matter. The matters in this case are straightforward ones only as to the Commission's jurisdiction. They do not warrant hearing on any facts, particularly not a consolidated hearing with the ITC Transaction Case, and to this end the April 18 Order respectfully should be reconsidered.

**III. THE APRIL 18 ORDER IS UNLAWFUL AND UNREASONABLE TO THE EXTENT IT FAILS TO ESTABLISH AN EXPEDITED SCHEDULE**

7. EAI respectfully requests that, at a minimum, the April 18 Order be reconsidered to the extent it provides for matters pertaining to EAI's integration into MISO not being presented to the Commission for decision until August. EAI respectfully submits that this schedule is excessive for matters involving undisputed key facts and straightforward issues as to jurisdiction, which already have been set forth before the Commission in the prior filings in this matter. EAI requests that, at a minimum, the schedule be amended to provide for one round of legal briefs pertaining to the EAI MISO Notice Case to be filed by June 28, 2013 in order to expedite matters pertaining to EAI's MISO integration being presented for a final decision by the Commission no later than July 15, 2013.<sup>4</sup>

WHEREFORE, EAI respectfully requests that the Commission (1) reconsider the April 18 Order consistent with the foregoing; and (2) grant all other appropriate relief to which EAI is entitled.

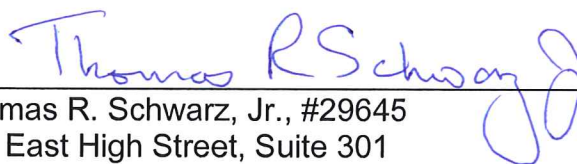
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<sup>4</sup> Respectfully, in the event the Commission does not act within the time requested, EAI reserves the right to take appropriate action, including filing a petition under PURPA Section 205(a), to ensure against delays to its integration into MISO, which is essential for EAI to continue providing interstate transmission service upon its exit from the Entergy System Agreement in December of this year.

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 counsel of record by forwarding the same by electronic mail and/or first class mail, postage prepaid this 29<sup>th</sup> day of April, 2013 to the following:

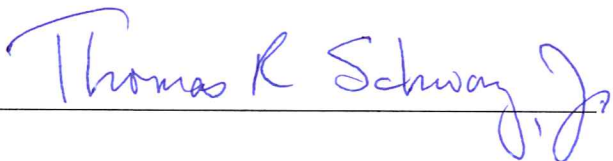
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