

**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) File No. EO-2019-0244
Whose Primary Industry is the Production or)
Fabrication of Steel in or Around Sedalia, Missouri.)

NOTICE REGARDING REPLY BRIEF

COMES NOW, the Midwest Energy Consumers Group (“MECG”), and for its Notice Regarding Reply Brief respectfully states as follows:

1. Earlier in this proceeding, MECG objected to the non-unanimous stipulation and agreement in this case. MECG’s objection was primarily based upon the settlement provision that sought to impose a 10 year term for the special contract despite the special contract being pursued outside the scope of Section 393.355. Despite this provision, GMO’s counsel admitted during opening statements that such a provision is not binding and that the Commission and parties could review the rates and provisions of the special contract in future cases.

I think that if the Commission that at some future date wanted to look at a contract and -- and it determined that for some reason that it was not an appropriate rate under changed circumstances, I think there's some old – old case law that probably suggests that the Commission has authority to look at that and to do it in the future.¹

Effectively GMO recognizes that, since this special contract is being pursued outside the scope of Section 393.355, the Commission and the parties can review the rates in the special contract in future rate cases and determine whether they are still “appropriate.” Given GMO’s admission, MECG withdrew its objection to the non-unanimous stipulation.

2. Despite MECG’s withdrawal of its objection, the Commission nevertheless ordered the parties to file briefs in this matter.

[T]he Commission reminds the parties of the continuing need to file their briefs on the question of whether the Commission has authority to accept the stipulation and

¹ Tr. 80.

agreement, and whether it has authority to grant the relief requested in the stipulation and agreement.²

Given that it was ordered to file a brief, and solely for that reason, MECG was compelled to file a short brief addressing the 10 year term contained in the non-unanimous stipulation. The filing of this initial brief was solely to comply with the Commission's order and is not intended to represent a reversal in its withdrawal of its objection. In fact, except for the Commission's order, MECG would not have filed an initial brief.

3. Given that it no longer opposes the non-unanimous stipulation, and in light of GMO's admission that the Commission and parties may consider the appropriateness of the Nucor special contract rate in future cases, MECG files this notice that it is not filing a reply brief in this matter.

Respectfully submitted,

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**ATTORNEY FOR THE MIDWEST
ENERGY CONSUMERS GROUP**

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: November 8, 2019

² Notice Regarding Briefing Schedule, issued October 29, 2019.