

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

In the Matter of the Application of Union	)	
Electric Company d/b/a Ameren Missouri	)	
For Permission to Transfer an Interest in	)	Case No. EM-2022-0292
Transmission Assets under 393.190.1	)	

**RESPONSE TO STAFF’S SUGGESTION TO JOIN  
THE CITY OF HANNIBAL AS A PARTY**

Citing no law in support, Staff has requested an order “joining” or “adding” the City of Hannibal (“Hannibal”) “as a necessary party to this case.” Consequently, the Missouri Joint Municipal Electric Utility Commission d/b/a the Missouri Electric Commission (“MEC”) files this Response in opposition to Staff’s request because (1) neither MEC, nor its member Hannibal, are subject to the general jurisdiction of this Commission; and (2) although MEC did timely move to intervene as a party in this matter and was allowed to intervene by the Commission on June 1, 2022, Hannibal did not move for such intervention. Therefore, Staff’s request that Hannibal be joined or added as a necessary party to this case is not lawful and must be denied.

As relevant to this matter, this Commission’s jurisdiction is established by *Revised Statutes of Missouri* (“RSMo”) §386.250(1), and defined by §386.020(11), (34) and (40), to extend to “persons” and “corporations” that own, lease, operate or control the manufacture, sale or distribution of electricity. By definition, this jurisdiction does not extend to a municipality, city, village, town or joint action agency. Specifically, RSMo §386.020(15)(a) excludes from this Commission’s jurisdiction any “municipally owned electric utilities” such as Hannibal that owns and operates an electrical utility pursuant to RSMo §91.

MEC is a joint action agency and a body corporate and politic of the State of Missouri and, as such, is not subject to the jurisdiction of the Commission. MEC is authorized by RSMo §§393.700 to 393.770 to construct, operate and maintain jointly owned transmission and generation facilities for the production and transmission of electric power for its members, to purchase and sell electric power and energy, and to enter into agreements with any person for the transmission of electric power. MEC is organized on a state-wide basis to promote efficient wheeling, pooling, generation, and transmission arrangements to meet the power and energy requirements of the municipal electric utilities in the State of Missouri. MEC's membership includes Hannibal, sixty-nine other municipal entities in Missouri, and four advisory members in Arkansas, all of which serve some 347,000 retail electric customers.

MEC's application for intervention in this matter was timely filed and granted. Hannibal has not moved this Commission for intervention as a party in this matter, a fact acknowledged at Paragraph 2 of Staff's pending "Suggestion." Staff cites no law in support of its request that this Commission over-extend its jurisdiction to a non-jurisdictional non-party such as Hannibal. Therefore, Staff's request must be denied as unlawful.

More fundamental however is the fact that Staff is charged by this Commission on April 20, 2022 to file a recommendation in this case advising whether to grant or deny Ameren Missouri's application. On June 2<sup>nd</sup>, Staff requested an additional sixty days to file such recommendation. While over forty days have elapsed since the initial Commission Order directing Staff to file a recommendation, Staff has failed to contact either MEC or Hannibal and request any information or to discuss Staff's recommendation to the Commission. It seems unusual that Staff, like all administrative bodies that conduct investigations in furtherance of preparing reports for commissions or boards to act upon in a timely fashion, would fail to first


seek voluntarily the information they allege to need. Instead, Staff has resorted to the position that it must have jurisdiction over non-jurisdictional parties so that discovery can be issued before Staff is willing to issue the Commission ordered recommendation. This attempt to coerce this Commission to issue an unlawful order is, at best, premature.

MEC is always willing to work with Staff to answer questions regarding the needs and operations of its members that relate to matters before the Commission. MEC would invite the Commission Staff to contact Hannibal to see if Staff questions can be answered without the need to resort to litigation.

WHEREFORE, MEC respectfully requests that this Commission deny Staff's suggestion to add or join Hannibal as a party to this matter, and such other and further relief as is just and proper under the circumstances.

Respectfully Submitted,

HEALY LAW OFFICES, LLC

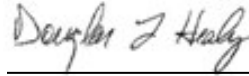
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***ATTORNEYS FOR THE MISSOURI  
JOINT MUNICIPAL ELECTRIC UTILITY  
COMMISSION d/b/a THE MISSOURI  
ELECTRIC COMMISSION***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of June, 2022, copies of the foregoing **Response to Staff's Suggestion to Join the City of Hannibal as a Party** have been served on all parties on the official service list for this matter via filing in the Commission's EFIS system and/or email.



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Douglas L. Healy