

**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 RESPONSE TO MOTION TO SUSPEND PROCEDURAL SCHEDULE

COMES NOW the Midwest Energy Consumers Group (“MECG”) and for its Motion to Suspend Procedural Schedule respectfully states as follows:

1. On September 6, 2019, Staff and KCP&L Greater Missouri Operations Company (“GMO”) filed their Motion to Suspend Procedural Schedule. Through this response, MECG urges the Commission to reject that motion to suspend procedural schedule and, by doing so, require Staff and other parties to timely file its rebuttal testimony.

2. On August 21, 2018, GMO first filed its Notice of Intended Case (EO-2019-0052). That notice informed the Commission and other parties of GMO’s intention to file an application “for a special electric rate for a facility whose primary industry is the production or fabrication of steel in or around Sedalia, Missouri.” During the six month period for which such a notice may remain in effect, GMO never actually filed its application. Ultimately, the Commission closed that case on February 19, 2019.

3. On the next day, GMO again filed a Notice of Intended Case (EO-2019-0244). Again, that notice informed the Commission of GMO’s intention to file an application “for a special electric rate for a facility whose primary industry is the

production or fabrication of steel in or around Sedalia, Missouri.” Finally, GMO actually filed its application on July 12, 2019.

4. In its application, GMO informed the parties that, after waiting 11 months to file its application, the Commission needed to act by January 1, 2019. “Applicant requests a decision by the Commission by December 1, 2019, so that the special incremental load contract rate can be effective by January 1, 2020.” Thus, after waiting 11 months to file its application, GMO asked the Commission to process this docket in barely four months.

5. That said, the parties sought to accommodate GMO’s unacceptable delay in initiating this case. On July 25, 2019, the parties submitted, and the Commission ultimately approved, a procedural schedule that would meet GMO’s expedited request. That original procedural schedule required Staff and other parties to file rebuttal testimony by August 27, 2019.

6. On August 26, 2019, GMO sought to modify the procedural schedule such that Staff, and other parties, would not file rebuttal testimony until August 30, 2019. Later that same day, the Commission approved GMO’s request to delay the filing of rebuttal testimony.

7. Again, on August 29, 2019, GMO sought to modify the procedural schedule such that Staff, and other parties, would not file rebuttal testimony until September 9, 2019. Later that same day, the Commission again approved the GMO request to delay this proceeding.

8. Now, against a backdrop of a case that was already on an unreasonably expedited basis, GMO and Staff seek to further suspend these proceedings. As that motion indicates, it is non-unanimous and not agreed to by other parties.

9. MECG urges the Commission to reject this motion. As the motion indicates, in order to accommodate the unreasonably expedited request in this case, GMO and Staff seek to maintain the current evidentiary hearing dates of October 17 and 19. Therefore, even now, there is very little time for parties to prepare for the evidentiary hearing. Through its request, GMO and Staff seek to delay the filing of testimony and further hinder parties' ability to prepare. The Commission has already accommodated two requests by GMO to delay these proceedings. It has now reached the point that any further delay will make preparation for the hearing impossible. Thus, this request prejudices those parties that will oppose the settlement envisioned by Staff and GMO.

10. The motion also prejudices the Commission in its ability to properly consider this case. As the pleading implies, GMO and Staff envision that instead of providing actual rebuttal testimony in this matter, Staff will instead simply file testimony in support of the non-unanimous stipulation. This is unacceptable to other parties and should be unacceptable to the Commission. Staff is funded through regulatory assessment collected from customers. Therefore, customers have a right to expect an objective staff that is willing to provide its true conclusions on a utility request. Here, however, Staff continues its recent willingness to accede to KCPL and GMO requests and, instead of filing objective testimony detailing the detriments of GMO's request, GMO instead seeks to shield the Commission and the other parties from that objective analysis and provide watered down testimony in support of the stipulation. Opposing

parties have a moral right to receive the objective opinion of Staff. More importantly, the Commission, in assessing the reasonableness of GMO's application and the Non-Uniform Stipulation, should expect Staff to provide its actual conclusions and not the watered down testimony in support of a stipulation.

11. MECG urges the Commission to reject the Motion to Suspend Procedural Schedule and, by doing so, require Staff to file its objective analysis of the GMO application. Only by doing so are ratepayers truly protected in this matter.

WHEREFORE, MECG respectfully requests that the Commission reject the motion to suspend.

Respectfully submitted,

 /s/ David Woodsmall
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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 6, 2019